

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW MEXICO  
3 UNITED STATES OF AMERICA,  
4 Plaintiff,  
5 vs. NO: CR-15-4268 JB  
6 ANGEL DELEON, et al.,  
7 Defendants.

8  
9 Transcript of excerpt of testimony of

10 MANUEL ARMIJO

11 Thursday, February 1, 2018

12 Friday, February 2, 2018

13 Thursday, February 8, 2018  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492

**BEAN & ASSOCIATES, Inc.**  
PROFESSIONAL COURT  
REPORTING SERVICE

MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
**1-800-669-9492**  
e-mail: info@litsupport.com

1	I N D E X	
2	EXAMINATION OF MANUEL ARMIJO	
3	By Mr. Castellano	3
4	By Mr. Villa	63
5	By Mr. Jewkes	72
6	By Mr. Maynard	91
7	By Ms. Duncan	99
8	By Mr. Castellano	110
9	EXAMINATION OF MANUEL JACOB ARMIJO	
10	By Ms. Duncan	119
11	EXAMINATION OF MANUEL JACOB ARMIJO	
12	By Mr. Castellano	125
13	By Ms. Duncan	137
14	By Mr. Jewkes	147
15	By Mr. Villa	157
16	REPORTER'S CERTIFICATE	160
17	EXHIBITS ADMITTED	
18	Government 251-A Admitted	55
19	Government 527, 508, 510, 512, 513, 515, 523, 51813224 and	
20	Admitted	
21	Government 695 Admitted	111
22		
23		
24		
25		

1 Thursday, February 1, 2018

2 THE COURT: All right. Are you Mr.  
3 Armijo?

4 THE WITNESS: Yes.

5 THE COURT: If you'll come up and stand  
6 next to the witness box on my right, your left, Ms.  
7 Standridge, my courtroom deputy, will swear you in.

8 MANUEL ARMIJO,  
9 after having been first duly sworn under oath,  
10 was questioned, and testified as follows:

11 MS. STANDRIDGE: Please be seated. State  
12 and spell your name for the record.

13 THE WITNESS: Manuel Armijo, M-A-N-U-E-L,  
14 A-R-M-I-J-O.

15 THE COURT: Mr. Armijo. Mr. Castellano.

16 MR. CASTELLANO: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. CASTELLANO:

19 Q. Good afternoon, Mr. Armijo.

20 A. Good afternoon.

21 Q. Are you known by any other names?

22 A. Jake.

23 Q. Do people sometimes call you Big Jake?

24 A. Yes.

25 Q. I want to ask you if you've been charged

1 in relation to the SNM investigation.

2 A. Yes.

3 Q. And can you tell the members of the jury  
4 whether you were charged with racketeering and  
5 conspiracy?

6 A. Yes.

7 Q. Can you tell the members whether you've  
8 pled guilty to those charges?

9 A. Yes.

10 Q. And related to those charges, have you  
11 agreed to cooperate with the Government and to give  
12 testimony to this jury?

13 A. Yes.

14 Q. Do you know what the SNM is?

15 A. Yes.

16 Q. What is it?

17 A. Sindicato de Nuevo Mexico.

18 Q. And what are they, or who are they?

19 A. At one time we were the largest prison  
20 gang in New Mexico.

21 Q. And you said "we." Did you include  
22 yourself as an SNM Gang member at one time?

23 A. Yes.

24 Q. Can you tell the members of the jury when  
25 you joined the gang?

1 A. 1993.

2 Q. How is it that you became a member?

3 A. I was approached by a member of the SNM  
4 and later on recruited.

5 Q. When you were approached by that member,  
6 were you in prison or were you out of prison?

7 A. I was in prison.

8 Q. Why were you in prison, Mr. Armijo?

9 A. I believe I was there for -- I want to say  
10 an assault charge.

11 Q. Before you were approached about joining  
12 the SNM, were you a member of any other gangs?

13 A. Yes, I was from Barelás.

14 Q. And was Barelás also a gang?

15 A. Yes.

16 Q. Can you tell the members of the jury  
17 whether that's a gang from the Barelás area of  
18 Albuquerque?

19 A. Yes. It's from down in the Barelás area.

20 Q. What happened that caused someone to  
21 approach you to see about joining the gang?

22 A. I had an attempt on my life by one of the  
23 black inmates in the main facility.

24 Q. What happened to you?

25 A. They cut my throat.

1 Q. And what happened as a result of those  
2 injuries? Where were you taken?

3 A. I was taken to the North, to the North  
4 facility.

5 Q. And when you say "the North facility," is  
6 that the North facility in Santa Fe?

7 A. Yes.

8 Q. And did you run into anybody you met while  
9 you were in the infirmary?

10 A. No.

11 Q. After you were assaulted by the black  
12 inmate, how is that it someone came to approach you  
13 and asked you about the SNM?

14 A. One of the older guys from my gang, from  
15 Barelas neighborhood, found out that it was me that  
16 got moved on, and they were going to retaliate  
17 against the blacks on my behalf.

18 Q. Who was the person who approached you?

19 A. Johnny Gallegos.

20 Q. Was he known by any other names?

21 A. Johnny Green Eyes.

22 Q. What did you do in response to his  
23 question to you about joining the gang?

24 A. I told him I would think about it.

25 Q. And did you think about it?

1 A. I did.

2 Q. What decision did you make?

3 A. I decided that that's where I wanted to  
4 be; that's where I wanted to belong to.

5 Q. So was there any kind of process you had  
6 to go through in order to join the gang?

7 A. Yes.

8 Q. What was that process?

9 A. I had to move on an LC member.

10 Q. So you said a couple things there. You  
11 said you had to move on somebody. What did that  
12 mean?

13 A. I had to assault, stab, or kill an LC  
14 member.

15 Q. And what does LC stand for?

16 A. Los Carnales. It's a rival prison gang.

17 Q. So like you said, they were another gang  
18 in prison?

19 A. Yes.

20 Q. And at that point in time, what was the  
21 relationship between the SNM and the LC?

22 A. There was no good terms there.

23 Q. So did you have the opportunity to move on  
24 or assault that LC gang member?

25 A. No.

1 Q. What happened?

2 A. I ended up getting in an altercation with  
3 the correction officer.

4 Q. And what happened as a result of that  
5 altercation?

6 A. I ended up back at the North facility.

7 Q. So where were you, then, before you got  
8 moved back to the North?

9 A. I was at the South in Santa Fe.

10 Q. What happened once you got back up to the  
11 North?

12 A. I was asked what happened, and if I took  
13 care of what I needed to take care of. I told them  
14 no. I told them the reason. I told them what  
15 happened.

16 Q. And was everybody okay with that, or what  
17 came of it?

18 A. They were okay with it. They just said,  
19 "You'll have time."

20 Q. Did you stay at the North, or did you move  
21 anywhere actually from that facility?

22 A. I stayed at the North for a few months,  
23 and then I was moved to Southern.

24 Q. The Southern facility near Las Cruces?

25 A. Yes.



1 Q. What happened once you got down there?

2 A. I was put into a pod with Angel Munoz.

3 Q. Who was Angel Munoz?

4 A. Angel Munoz was the leader of the SNM.

5 Q. Did you eventually meet him?

6 A. I met Angel at the North facility before  
7 we got to Las Cruces.

8 Q. How did you guys first get along when you  
9 met?

10 A. We got along good.

11 Q. Did he have any issues with you joining  
12 the gang at first?

13 A. Yes, he did.

14 Q. What was the problem, if any?

15 A. He had said all the books were closed and  
16 that they would be letting no SNM members in.

17 Q. So like you said, when the books were  
18 closed, they weren't signing up new members?

19 A. Yeah. They weren't bringing nobody in.

20 Q. Did that change?

21 A. Yes.

22 Q. When did that change?

23 A. Mostly there in Cruces, me and Angel got a  
24 little closer. It was my responsibility to watch  
25 over him and take care of him.

1 Q. And how is it that you found yourself in  
2 that position? Were you pretty good at fighting?

3 A. I've always been a good fighter, and I'm  
4 big for my size.

5 Q. So what types of things would you do to  
6 protect Angel Munoz?

7 A. Just make sure nobody disrespect him, came  
8 near him, assaulted him, or anything of that sort.

9 Q. Now, what kind of -- how big is respect in  
10 the prison system?

11 A. It's very big.

12 Q. So if somebody were to disrespect Angel  
13 Munoz, what would have been your responsibility?

14 A. I would have assaulted him on the spot.

15 Q. At that point in time, when you were his  
16 bodyguard, were you officially a member or were you  
17 still kind of a prospect, seeking membership?

18 A. More or less a prospect.

19 Q. What else did you do for Angel Munoz?

20 A. Collected drugs, money.

21 Q. And was that within the prison system?

22 A. Yes.

23 Q. What type of drugs?

24 A. Heroin, marijuana.

25 Q. And at that point in time, who were you

1 collecting from? Were you collecting from SNM  
2 members or other inmates? Who was it?

3 A. Other inmates and also SNM members.

4 Q. So is the leader of the SNM at that point,  
5 or a leader -- were members expected to pay taxes to  
6 Angel, or how did that work?

7 A. Well, out of the respect, it was from SNM  
8 Gang members mostly, were to kick down a percentage  
9 of whatever they got to him.

10 Q. So as you said, if they had something,  
11 were they expected, then, to share it with Angel  
12 Munoz?

13 A. Yes.

14 Q. Was drug distribution common in the prison  
15 during that time?

16 A. Yeah, very big.

17 Q. And how big, at that point, was the SNM  
18 and the drug trade in the prison?

19 A. We're pretty big.

20 Q. So about what time frame are we? You  
21 first entered in 1993? Is it still the 1993 time  
22 period, or a little bit later?

23 A. Oh, '94, '95.

24 Q. At what point were you recognized as an  
25 official SNM Gang member?

1 A. I'd say about '95, '96.

2 Q. Did you have to do anything to be  
3 recognized at that point?

4 A. Yes.

5 Q. What did you have to do?

6 A. I assaulted a couple of LCs from a rival  
7 gang.

8 Q. How did you assault them?

9 A. I stabbed them.

10 Q. With what?

11 A. With a knife.

12 Q. Now, when you say a knife, is it like a  
13 kitchen knife, or is it another type of knife?

14 A. It was a Bowie knife.

15 Q. And was that in prison?

16 A. No, it was in the streets.

17 Q. Let me ask you that, then. At one point  
18 you're in prison with Angel Munoz. Then at some  
19 point, since you're talking about the streets, did  
20 you get out of prison?

21 A. Yes.

22 Q. About when was that?

23 A. '96.

24 Q. All right. I want to talk to you about  
25 each of those assaults, then. What can you tell us

1 about the first assault?

2 A. I was at a party, and there was a guy  
3 there bragging that he was from the LC. He didn't  
4 know I was an SNM Gang member. And I lured him  
5 outside and I ended up stabbing him.

6 Q. Did anyone order you to stab him?

7 A. No.

8 Q. Why would you stab a rival gang member,  
9 even on the streets?

10 A. It was like a policy to hit on sight any  
11 rival gang members.

12 Q. So even on the streets.

13 A. Yes.

14 Q. And was that expected of you because you  
15 were a member of the SNM?

16 A. Yes.

17 Q. Please tell us about the other assault.

18 A. The other assault was -- used to be a  
19 friend of mine. We grew up together. We're both  
20 from the same gang, in the street, from Barelás. He  
21 ended up becoming an LC. And I seen him in the  
22 streets, and I ended up stabbing him also.

23 Q. Just so the jury understands, you told  
24 them you kind of grew up with him and you were  
25 friends. But did that matter if you guys are from

1 rival gangs at that time?

2 A. No.

3 Q. After these two assaults, did anyone  
4 officially recognize you as an SNM Gang member?

5 A. Yes.

6 Q. Who was that?

7 A. Angel Munoz, Johnny Green Eyes, and Marty  
8 Barros.

9 Q. Now, you mentioned three names to us. At  
10 that point, were there any -- was there a certain  
11 number of people who had to basically raise their  
12 hand for you, or approve your membership?

13 A. Yes, there has to be three.

14 Q. All right. Now, at that point, around the  
15 1996 timeframe, did you ever get arrested for either  
16 of these assaults on the LC gang members?

17 A. No.

18 Q. Were you ever charged for that conduct?

19 A. No.

20 Q. Now, at some point in time did Angel Munoz  
21 also get out of prison?

22 A. Yes.

23 Q. About when was that; do you remember?

24 A. I don't actually remember.

25 Q. Was it before or after these assaults?

1 A. It was after.

2 Q. And can you tell the members of the jury  
3 whether -- if you guys were both out on the  
4 streets -- anyone disrespected Angel Munoz?

5 A. Yes. We went to -- I went to a party with  
6 him in Santa Fe, to his wife's family's party. A  
7 guy became mouthing off to him. I lured him around  
8 the back of the house, and I ended up stabbing him.

9 Q. And that was over disrespect?

10 A. Yes.

11 Q. Was that expected of you because of your  
12 membership in the SNM?

13 A. Yes.

14 Q. Did you ever hear of a person named  
15 Chaparro or Maldonado?

16 A. Yes.

17 Q. Who is that person?

18 A. He's also a member of the SNM.

19 Q. Has he always been a member of the SNM, as  
20 far as you know?

21 A. Yes.

22 Q. And did he have any involvement with a  
23 group called the All Stars?

24 A. Yes.

25 Q. What was his involvement with that group?

1 A. He was one of the founders of it.

2 Q. And do you remember approximately when  
3 that happened?

4 A. No.

5 Q. So who were the All Stars?

6 A. They were what we would call at the time  
7 rejects from the SNM. They were people that had  
8 been moved on; in other words, attacked, stabbed.  
9 They went off and started their own little clique.

10 Q. Now, when they were attacked or stabbed,  
11 were they attacked and stabbed by SNM members or  
12 other people?

13 A. By SNM members.

14 Q. All right. Why would the SNM assault some  
15 of their own members?

16 A. If they were no good, if they had  
17 paperwork on them, child molesters.

18 Q. Now, you mentioned the term "paperwork."  
19 What are you referring to?

20 A. If they were rats.

21 Q. Now when you joined the S, did anyone  
22 explain any rules to you?

23 A. Yes.

24 Q. What were those rules?

25 A. There are so many of them. There's just



1 rules to live by. Just like people live by the  
2 rules of life, we have our own rules to live by.

3 Q. Let's begin with, like you said, rats or  
4 snitching. What was the rule about that?

5 A. That was a big no.

6 Q. What about sex offenders?

7 A. That was definitely no.

8 Q. What was the SNM stance on homosexual  
9 behavior?

10 A. It wasn't tolerated.

11 Q. Would you consider the SNM a prison gang?

12 A. Yes.

13 Q. When people get out of prison, do some of  
14 those people still operate as SNM Gang members?

15 A. Yes.

16 Q. Can an SNM -- or can a person become an  
17 SNM Gang member on the streets, even when they're  
18 not in prison?

19 A. At that time, that didn't happen. But  
20 I've seen it happen.

21 Q. All right. Let's talk about that, because  
22 you said at that time, then you've seen it happen.  
23 So at some point in time, did the rules change a  
24 little bit?

25 A. I think they have. I think they did. A

1 lot of things got more lenient.

2 Q. And lenient in what way?

3 A. After a lot of the older guys started  
4 dying off, people just started, I guess, making up  
5 their own rules, their own bylaws.

6 Q. Were they considered -- could they still  
7 be considered rules of the SNM Gang?

8 A. Yes.

9 Q. What about taking orders from other  
10 people? If someone gave you an order to do  
11 something, what did you have to do?

12 A. You had to do it.

13 Q. What if you disagreed with it?

14 A. I guess it would depend on the situation.

15 Q. What would be some of the examples? Let's  
16 say someone ordered you to stab an LC gang member  
17 and you refused to do it.

18 A. That would be a mandatory violation.

19 Q. What would be the consequences or possible  
20 consequences under those circumstances?

21 A. I myself would get stabbed or killed.

22 Q. I'm going to ask you if you knew somebody  
23 named Chris Garcia.

24 A. Yes.

25 Q. How did you know him?

1 A. I met him in prison.

2 Q. What do you know about him in terms of  
3 dealing drugs?

4 A. I knew he had access to a lot of drugs.

5 Q. Did you ever obtain drugs from him?

6 A. Yes.

7 Q. Do you know whether or not he supplied  
8 other SNM Gang members with drugs?

9 A. Yes.

10 Q. What types of drugs would you get from  
11 Mr. Garcia?

12 A. Heroin.

13 Q. And were you yourself a heroin user?

14 A. Yes.

15 Q. What types of drugs have you used in your  
16 life?

17 A. Methamphetamines, coke, and heroin.

18 Q. I'm going to ask you about your  
19 methamphetamine use. When was it that you used  
20 methamphetamine, or what time period?

21 A. I would say about '99, 2000.

22 Q. How long were you using methamphetamine?

23 A. I'd say for about six, seven months.

24 Q. What happened after that timeframe, the  
25 six or seven months?

1 A. I ended up going back to prison.

2 Q. Did you ever seek treatment for the  
3 methamphetamine use?

4 A. Yes.

5 Q. What did you do?

6 A. I started doing an outpatient treatment  
7 program.

8 Q. And were you able to kick that habit?

9 A. Yes.

10 Q. When was the last time you used  
11 methamphetamine?

12 A. 2012.

13 Q. What kind of effect did that drug have on  
14 you?

15 A. Not good.

16 Q. Did you consider it a pretty nasty drug?

17 A. Yeah.

18 Q. Now, in the prison system, you talked  
19 about collecting drugs from other people. Were you  
20 also using in prison?

21 A. Yes.

22 Q. What was your drug of choice in prison?

23 A. Heroin.

24 Q. How would you use it?

25 A. Intravenously.

1 Q. Were needles common in prison?

2 A. Yes.

3 Q. Were they regular needles, or could you  
4 also convert things into needles?

5 A. I've seen people convert things, but  
6 they're usually from the infirmary.

7 Q. Has it been your experience that inmates  
8 also share needles?

9 A. Yes.

10 Q. What kind of health problems has that  
11 caused in the prison?

12 A. Hepatitis C.

13 Q. Does that cause the spread of hepatitis C  
14 within the prison system?

15 A. Yes.

16 Q. What about tattooing in prison?

17 A. There is plenty of it going on.

18 Q. Now, is it against the rules to get a  
19 tattoo in prison?

20 A. No.

21 Q. And how do you give someone a tattoo in  
22 prison?

23 A. Back in the day, they used -- it was just  
24 like living in apartments. Everybody had their own  
25 room. The guard came around every once in a great

1 while to make sure everybody was alive, and that was  
2 it.

3 Q. And so could you have, for example, a  
4 tattoo machine, or did you have to make a tattoo  
5 machine?

6 A. No, make one.

7 Q. What would people make the machines out  
8 of?

9 A. Tape-recorders, little cassette players.

10 Q. And then, if you know, what would they use  
11 for a needle and for ink?

12 A. Then they used to have bands and stuff, so  
13 we'd get them from the guitar strings. I've seen  
14 them made out of paperclips.

15 Q. What about weapons in prison?

16 A. Yeah, there's plenty of those.

17 Q. And what types of things are weapons made  
18 from in the prison environment?

19 A. Pieces of metal from the light fixtures,  
20 vents, shampoo bottles.

21 Q. How do you make a shampoo bottle into a  
22 weapon?

23 A. You slice it from top to bottom, you heat  
24 it, and you turn it and you twist it and you stretch  
25 it until it gets hard. You cool it, and then you do

1 the same, and continue the process.

2 Q. In terms of when you were in prison in the  
3 SNM, was there any kind of policy on whether or not  
4 you should be carrying weapons or when you should be  
5 carrying weapons?

6 A. There was always one person that was in  
7 charge of the weapons.

8 Q. I want to talk about your time in prison.  
9 About how many years of your life have you spent in  
10 prison?

11 A. Altogether I've done like 27, 28 years  
12 incarcerated.

13 Q. How old are you now?

14 A. 44.

15 Q. So when you first arrived in prison, what  
16 can you tell the members of the jury about the  
17 prison population in terms of whether you were mixed  
18 with other inmates or whether the SNM was in its own  
19 housing unit or pod?

20 A. Then everybody lived together. We were --  
21 everybody was integrated.

22 Q. And did that make it easier to assault  
23 people if they were -- let's say, for example, you  
24 had a rival gang member in your pod.

25 A. Yeah.

1 Q. And what was your experience, then, if you  
2 had rivals within the same pod? What would  
3 typically happen?

4 A. There was plenty of assaults. They would  
5 get stabbed, even murdered.

6 Q. What would happen, for example, if you had  
7 a disparity in numbers in a pod? Let's say you had  
8 ten SNM Gang members and four LC members. How did  
9 that usually work out for the LC members?

10 A. That would never happen.

11 Q. Why do you say that?

12 A. It just wouldn't happen. They wouldn't be  
13 in the same pod with an SNM member.

14 Q. Why is that?

15 A. They'd probably get stabbed or killed.

16 Q. Was that your experience over the years,  
17 that the SNM would stab and kill other inmates?

18 A. Yes. Not just for no reason.

19 Q. Right. So let's say it's another inmate  
20 who was not a gang member. If you're getting along  
21 okay with that person, was there peace?

22 A. Yes.

23 Q. And what happens if the person was a rival  
24 gang member?

25 A. Then there would be a problem.



1 Q. Were there other gangs with which the SNM  
2 was at war during your time in prison?

3 A. Yes.

4 Q. Who were some of the other gangs?

5 A. Burquenos.

6 Q. Anybody else?

7 A. No.

8 Q. I want to take you to the year 2001. Do  
9 you remember if you were in prison during that time?

10 A. Yes.

11 Q. Did you know anybody by the nicknames  
12 Pancho or Looney?

13 A. Yes.

14 Q. How did you know each of those two people?

15 A. I knew Frank from the Main, when I first  
16 went to prison. Looney, I just met him there in  
17 Cruces when I got there.

18 Q. What was Frank's name?

19 A. Frank Castillo.

20 Q. And was he the one also known as Pancho?

21 A. Yes.

22 Q. Do you know what happened to Pancho?

23 A. Yes.

24 Q. What happened to him?

25 A. He got killed.

1 Q. When he got killed, were you in prison or  
2 were you out of prison?

3 A. I was in prison.

4 Q. So he was killed while you were there?

5 A. Not while I was there. I was in prison,  
6 but I was just transferred from Southern to the  
7 North facility.

8 Q. So how soon after you left your facility  
9 was Frank Castillo killed?

10 A. I'd say about two weeks.

11 Q. Do you know if that was an SNM killing?

12 A. Yes.

13 MS. DUNCAN: Your Honor, I'm going to  
14 object to this question unless the Government lays a  
15 proper foundation for it. I think it's calling for  
16 hearsay.

17 THE COURT: Okay. Lay a foundation so we  
18 can determine the source of his information.

19 BY MR. CASTELLANO:

20 Q. Did you talk to anybody -- have you had  
21 conversations with anybody who was responsible for  
22 that killing?

23 A. Yes.

24 Q. And did that person tell you that it was  
25 an SNM murder?

1 MS. DUNCAN: Your Honor, I'm going to  
2 object. It's rank hearsay.

3 THE COURT: How are you going to avoid the  
4 hearsay problem?

5 MR. CASTELLANO: Um --

6 THE COURT: I'm just not seeing it.  
7 Sustained.

8 BY MR. CASTELLANO:

9 Q. So can you tell the members of the jury  
10 whether Frank Castillo was killed?

11 A. Yes.

12 Q. Was he your friend?

13 A. Yes.

14 Q. In what kind of pod was he when he was  
15 killed?

16 MS. DUNCAN: Your Honor, I'm going to  
17 object. This is also calling for hearsay.

18 THE COURT: Well, lay some foundation. He  
19 may know the answer to this.

20 BY MR. CASTELLANO:

21 Q. Were you living in the same pod with Frank  
22 Castillo when you were in the same facility?

23 A. We were in the same unit, but we were in  
24 pods next to each other.

25 Q. And who were the people living in those

1 pods at that time?

2 A. SNM members.

3 Q. Speaking of moving into pods, do you know  
4 what orientation is?

5 A. Yes.

6 Q. What is orientation?

7 A. It's where they put somebody before they  
8 move them into another pod.

9 Q. Just so the jury understands this, can you  
10 tell them, if you're new to a pod and you're in  
11 orientation, where do you go within that pod?

12 A. What do you mean?

13 Q. So do you move into the pod, but you're  
14 not intermingling with the other inmates yet?

15 A. Yeah. They put you in a pod that's  
16 segregated from everybody else until you see a  
17 committee and they find out who are you and where  
18 they're going to place you.

19 Q. Do you know what the purpose is of the  
20 orientation?

21 A. To see if you have any enemies within the  
22 system.

23 Q. So in other words, if you're getting moved  
24 into a new pod and you find out who is in there and  
25 you're segregated -- if you're living with them, but

1 you can't intermingle with them yet, does that give  
2 you a chance to get out of the pod if you don't want  
3 to be there?

4 A. Yes.

5 Q. Are you familiar with the term "checking  
6 it in" or "PC'ing"?

7 A. Yes.

8 Q. What do those terms mean?

9 A. When a person don't want to be in the pod  
10 or facility, they'll either go to a CO or write a  
11 note to the CO saying that their life is in danger  
12 and they can't be in there.

13 Q. And in a prison context, what do other  
14 inmates think when somebody checks it in or goes  
15 into protective custody?

16 A. They're no good.

17 Q. Was that a good thing or a bad thing?

18 A. Bad thing.

19 Q. And does that follow you somewhere else?  
20 Do people hear whether someone is PC'd or not?

21 A. Yes.

22 Q. So can that create problems for you even  
23 if you move for another pod or another facility?

24 A. Yes.

25 Q. Are you familiar with the term "kiting

1 somebody out"?

2 A. Yes.

3 Q. What does that mean?

4 A. That's when someone writes a letter to the  
5 COs, telling them that a certain person's life is in  
6 danger, so they get moved out of the pod.

7 Q. And you mentioned the term "COs." Are  
8 those the correction officers?

9 A. Correction officers, yes.

10 Q. Has it ever been your experience that  
11 people just don't like somebody, and so they make  
12 something up like that and get him kicked out of the  
13 pod?

14 A. Yes.

15 Q. So would it be fair to say that's kind of  
16 part of the politics that happens sometimes in  
17 prison?

18 A. Yes.

19 MS. DUNCAN: Your Honor, I object to the  
20 leading.

21 THE COURT: Overruled.

22 BY MR. CASTELLANO:

23 Q. You can go ahead and answer that, sir.

24 A. Yes.

25 Q. I want to talk to you about your or other

1 inmates' relationship with the corrections officers.

2 Over the years you were incarcerated, what was  
3 generally the relationship between SNM members and  
4 corrections officers?

5 A. We basically left them alone. They were  
6 there to do their job. We're there to do our time.

7 Q. Now, was it ever your experience that  
8 inmates -- I'll focus on the SNM here -- tried to  
9 exploit the guards to get them to do things?

10 A. Yes.

11 Q. Like what?

12 A. Bring in drugs.

13 Q. Now, did you ever do that with a guard?

14 A. No.

15 Q. Did you ever receive drugs as a result of  
16 someone else getting a guard to bring in drugs?

17 A. Yes.

18 Q. At some point in time, were you in the  
19 Southern New Mexico Correctional Facility with  
20 someone named Anthony Baca?

21 A. Yes.

22 Q. Do you remember the approximate time  
23 period?

24 A. 2011 to 2012.

25 Q. Will you tell the members of the jury

1 whether or not Mr. Baca had any kind of leadership  
2 responsibility during that time?

3 A. Yes.

4 Q. What kind of responsibilities did he have?

5 A. When he came back in the state, he took  
6 the keys over.

7 Q. All right. You said a couple of things  
8 there. When he came back to state, are you saying  
9 he went from the streets back into prison, or did he  
10 actually come back from another state?

11 A. Came back from another state, another  
12 facility.

13 Q. You also mentioned taking the keys. What  
14 does that mean?

15 A. Taking over leadership.

16 Q. Do you know the term "llavero"?

17 A. Yes.

18 Q. What does that mean?

19 A. Someone who has the keys, who is driving  
20 the car, which is the leader.

21 Q. Now, in terms of the overall structure of  
22 the SNM, were there people who were considered  
23 higher up in the chain of command?

24 A. Yes.

25 Q. And who have those people been over the



1 years that you knew?

2 A. Angel Munoz, Marty Barros, Juan Baca,  
3 Jacobo Armijo.

4 Q. So is that a different Jake Armijo than  
5 you?

6 A. Yes.

7 Q. What about someone named Gerald Archuleta  
8 or Styx?

9 A. Gerald Archuleta, Styx. Razor Ramon.

10 Q. What about Mr. Baca?

11 A. Yes, Mr. Baca also.

12 Q. So in an SNM pod when somebody comes and  
13 takes the keys, what are their responsibilities for  
14 that pod?

15 A. It's to keep everybody in line and to make  
16 decisions.

17 Q. Have you ever been in charge of a pod  
18 before?

19 A. Yes.

20 Q. About when was that?

21 A. 2010, '11 and '12.

22 Q. Where was that?

23 A. Las Cruces, New Mexico.

24 Q. Now, as a person holding a leadership role  
25 there, were you then also in charge of enforcing

1 discipline?

2 A. Yes.

3 Q. Okay. So what's a violation?

4 A. A violation is when someone messes up,  
5 they more or less get assaulted.

6 Q. Is that assaulted by their own gang?

7 A. Yes.

8 Q. Now, are there different levels of  
9 violations?

10 A. Yes.

11 Q. So what would be kind of the range of  
12 violations that someone could get? What would be  
13 kind of like the least severe to the most severe?

14 A. A punch in the jaw to getting killed.

15 Q. Now, in that 2010-to-2012 timeframe, did  
16 you try to have a working relationship with  
17 corrections officers?

18 A. Yes.

19 Q. For what purpose?

20 A. To improve our living situation.

21 Q. What type of discussions would you have  
22 with them?

23 A. More tier time, more rec, just more  
24 privileges.

25 Q. And were there times when you were able to

1 negotiate with the corrections officers?

2 A. Yes.

3 Q. Now, were those the regular guards, or  
4 were they the STIU officers? Who would you have  
5 spoken with?

6 A. They were the STIUs.

7 Q. Why would you speak to them as opposed to  
8 the regular corrections officers?

9 A. Because they were the ones that were in  
10 charge of our unit.

11 Q. Why is that? Why STIU?

12 A. Well, they're the security threat group.

13 Q. Why would a security threat group be  
14 involved with the SNM, just so the jury understands  
15 that?

16 A. They're the ones that -- they're like the  
17 gang unit in the streets, but in prison.

18 Q. Now, who was the biggest gang in the  
19 prison system when you were there?

20 A. SNM.

21 Q. Who was the toughest?

22 A. SNM.

23 Q. Who was the most violent?

24 A. SNM.

25 Q. Now, when Mr. Baca reached the facility

1 where you were, did he try to make any changes?

2 A. Yes.

3 Q. What kind of changes did he try to make?

4 A. Wanting everybody to exercise daily. He  
5 wanted everybody's name, address, phone numbers that  
6 was an SNM member. Anybody that got out, he wanted  
7 them to send the drugs to him and not anybody else.  
8 He just wanted a strict structure.

9 Q. How did you feel about that?

10 A. I didn't agree with a lot of things that  
11 he brought to the table.

12 Q. Now you mentioned sending drugs in. When  
13 you were out of prison, did you ever send drugs or  
14 money into prison?

15 A. I sent money.

16 Q. Who did you send money to?

17 A. Angel Munoz.

18 Q. Why did you send Angel Munoz money?

19 A. To help him out, just to make sure that he  
20 was taken care of, that he had food to eat.

21 Q. When you were in prison in the  
22 2010-to-2012 timeframe, do you remember which pod  
23 you were in? And let me take you back. Were you in  
24 the Southern New Mexico Correctional Facility?

25 A. Yes.

1 Q. Which pod?

2 A. I was in 1-A blue pod.

3 Q. As best as you can remember, who was in  
4 that pod with you?

5 A. It was me, Stoner, Jerry Montoya, Javier  
6 Molina, Joker, Rudy. I think that's all I can  
7 remember.

8 Q. And during that time there -- well,  
9 when -- when did you leave prison?

10 A. 2012.

11 Q. So when you left prison, was Javier Molina  
12 still alive?

13 A. Yes.

14 Q. When Mr. Baca -- did you know him by any  
15 other names?

16 A. Pup.

17 Q. When you were housed with him or -- well,  
18 you mentioned some other names. Where was he, if he  
19 wasn't in blue pod with you?

20 A. He lived in yellow, and also green pod.

21 Q. And so the members of the jury understand  
22 kind of how the pods are set up, you mentioned three  
23 different colors. Are those three colors or three  
24 pods in the same building?

25 A. Yes.

1 Q. And within that building, are the pods  
2 separated by walls or something else?

3 A. There is a wall, and then there's doors  
4 that go through to connect to all -- each pod.

5 Q. When you have doors between the pods, were  
6 you able to communicate with people in the pod next  
7 door?

8 A. Yes.

9 Q. How could you communicate with them?

10 A. Like going up to the door and talking  
11 through the crack, or there's a space under the door  
12 about an inch high.

13 Q. And since there is a gap under the door,  
14 were you ever able to pass things under the door?

15 A. Yes.

16 Q. Were you able to do so without the  
17 corrections officers catching you?

18 A. Yes.

19 Q. What type of things would you pass between  
20 the pods?

21 A. Anywhere from drugs to shanks.

22 Q. What if you wanted to get a message from  
23 one pod to the next?

24 A. Yes.

25 Q. What's a kite?

1 A. Just a letter, a regular letter.

2 Q. Have you ever heard the term "wila"?

3 A. Yes.

4 Q. What is that?

5 A. Same thing. It's just a letter.

6 Q. So if you wanted to get a letter to the  
7 kite next door, what would you do?

8 A. Knock on the door, call somebody to the  
9 door, and slide it under.

10 Q. Was that difficult to do?

11 A. No.

12 Q. And usually when you were in there, were  
13 there guards in the room with you, or would they  
14 sometimes kind of basically patrol and check on you  
15 from time to time?

16 A. They would come through like every hour  
17 to -- every half hour to every hour.

18 Q. So then, if you were in the pod and no  
19 corrections officer's there, who else might be  
20 watching you?

21 A. The cameras.

22 Q. And in terms of the layout of the pod, was  
23 there anybody up above looking down into the pod?

24 A. Yes.

25 Q. Can you explain that for the members of

1 the jury? Who was up there and what could you see  
2 from inside the pod?

3 A. It's like just a bubble, like a fish tank  
4 with big glass on it, and they're just up there and  
5 they can look down into the pod.

6 Q. And what would you do -- if there is not a  
7 corrections officer in the pod and just someone in  
8 the bubble, what would you try to do to avoid being  
9 caught passing something underneath the door?

10 A. They really didn't -- really didn't care,  
11 as long as it wasn't a shank or anything like that  
12 that they could see. But they hardly ever paid  
13 attention.

14 Q. And if somebody -- if you passed something  
15 underneath the door and a corrections officer came  
16 in, how easy or difficult would it be for them to  
17 actually get that item -- let's say, a piece of  
18 paper? How quickly could it disappear?

19 A. Oh, fast.

20 Q. And how might an inmate make it disappear?

21 A. Flush it down the toilet.

22 Q. So if Mr. Baca is in a pod next to you, do  
23 you remember if Carlos Herrera or Daniel Sanchez  
24 were housed in that same housing unit at the same  
25 time you were?



1 A. Carlos was.

2 Q. Was he in the same pod as you, or a  
3 different pod?

4 A. In the pod next to me.

5 Q. Did you know Mr. Baca to be an SNM Gang  
6 member?

7 A. Yes.

8 Q. What about Daniel Sanchez?

9 A. Yes.

10 Q. How long have you known him?

11 A. Daniel Sanchez?

12 Q. Yes.

13 A. I've known him for quite a few years.

14 Q. Is that the Daniel Sanchez sitting in the  
15 courtroom today?

16 A. Yes.

17 Q. What about Carlos Herrera?

18 A. Yes.

19 Q. Do you see him sitting in the courtroom?

20 A. Yes.

21 Q. And is he an SNM Gang member?

22 A. Yes.

23 Q. Do you know Rudy Perez very much?

24 A. Yes.

25 Q. How well do you know him?

1           A.     I've known him for, like, about a year in  
2     prison.

3           Q.     So from your experience with Rudy Perez,  
4     can you say, one way or another, from your  
5     experience whether you know he's an SNM Gang member?

6           A.     No.

7           Q.     So you don't know, either way?

8           A.     No.

9           THE COURT: Mr. Castellano, would this be  
10    a good time for us to take our afternoon break?

11          MR. CASTELLANO: Yes, Your Honor.

12          THE COURT: All right. We'll be in recess  
13    for about 15 minutes. All rise.

14          (The jury left the courtroom.)

15          THE COURT: All right. We'll be in recess  
16    for about 15 minutes. Can I get a copy of that  
17    letter? Is this 28th letter the late disclosure?

18          MR. BECK: It is, Your Honor. We filed it  
19    with the Court, and I just printed out copies  
20    downstairs. We'll have that for you.

21          MS. BHALLA: Your Honor, if I may really  
22    quickly, before everybody leaves.

23          THE COURT: No.

24          (The Court was in recess.)

25          THE COURT: All right. Let's go on the

1 record.

2 Ms. Bhalla, I think you had something to  
3 bring to the Court's attention.

4 MS. BHALLA: No, Your Honor. I'm sorry, I  
5 thought that Mr. Beck was addressing a different  
6 letter. I apologize.

7 THE COURT: Okay. You know what it is?  
8 You've see it before?

9 MS. BHALLA: Sunday.

10 THE COURT: Here's what I encourage  
11 everyone to do. I'm going to take a look at this  
12 and make my own assessment. And then obviously,  
13 certain defendants are going to have different  
14 concerns. So however you want to feed them to me.  
15 If you want to if -- you're at home at night or  
16 something, you can send me a letter or something, so  
17 I can at least consider the arguments. Let me know  
18 what you're thinking about these additional  
19 disclosures.

20 MR. BECK: Yeah. Just for the record,  
21 Your Honor, so I handed up docs 1715 and 1716.

22 THE COURT: These are two different ones?

23 MR. BECK: Yes.

24 THE COURT: I thought it was two copies of  
25 one.

1 MR. BECK: 1715, as it indicates in the  
2 letter, are statements that we believe come under  
3 the co-conspirator exception to hearsay.

4 THE COURT: Which one is that?

5 MR. BECK: That's 1715.

6 THE COURT: Okay. What's the other?

7 MR. BECK: The other, 1716, is statements  
8 that we believe are admissions against a party  
9 opponent. So instead of just disclosing them all  
10 and letting Your Honor sort them out -- although I'm  
11 sure you still will -- we tried to make it a little  
12 easier for everyone.

13 THE COURT: Admissions of a party  
14 opponent.

15 MR. BECK: I mean, I guess the first one  
16 there, Javier Molina, that's not an admission by a  
17 party opponent. That would be --

18 THE COURT: Excited utterance. That one I  
19 recall we addressed. Some of these we may have  
20 already discussed?

21 MR. BECK: That's explained in the letter,  
22 that some of them may have already been disclosed.  
23 But we were disclosing them based on our pretrial  
24 meetings.

25 THE COURT: So you understand the two

1 letters I'm getting, Ms. Bhalla?

2 MS. BHALLA: Yes, Your Honor.

3 MR. BECK: And those were the letters that  
4 we produced Sunday afternoon, probably evening,  
5 maybe, timeframe, Sunday evening. They were  
6 additional statements that we encountered in  
7 pretrial preparations, or perhaps some were  
8 disclosed previously.

9 THE COURT: When we're having bench  
10 conferences, they can see the real-time there. So  
11 figure out some way, when you come up to the bench,  
12 to cover up what's on the real-time, so we don't  
13 have a discussion we shouldn't.

14 MR. BECK: We will, Your Honor. We'll put  
15 a paper over it every time we come up.

16 THE COURT: Okay.

17 MR. CASTELLANO: Your Honor, if we can  
18 find -- we have these reflective covers on the  
19 screens, so they can't see it. If we can find an  
20 extra one, we'll place it over that.

21 THE COURT: What do you have?

22 MR. BECK: I don't think that's as  
23 effective. I think if you're looking straight on,  
24 you can see it. So we'll cover it up with a sheet  
25 of paper every time we come up there.

1 MS. FOX-YOUNG: Your Honor, was there a  
2 note from the juror that they could see the  
3 real-time?

4 THE COURT: Not a note, but they were  
5 saying when we're doing bench conferences, they can  
6 see that thing. We just need to make sure it's  
7 covered up. Is it easier to turn it around?

8 MS. FOX-YOUNG: Judge -- I'm sorry to  
9 interrupt, Your Honor.

10 MR. BECK: I guess that would be a  
11 question for Ms. Bean. Is that all right?

12 MS. FOX-YOUNG: Just for the record, I'd  
13 like to make an inquiry as to whether the jurors  
14 have been reading the real-time for the entirety of  
15 the trial.

16 THE COURT: Did you ask them?

17 THE CLERK: They said they had not. They  
18 looked away.

19 MS. FOX-YOUNG: They saw it and looked  
20 away?

21 THE CLERK: The one juror.

22 THE COURT: Is that satisfactory, Ms.  
23 Fox-Young?

24 MS. FOX-YOUNG: That answers my question,  
25 Judge.

1 THE COURT: All right. All rise. But do  
2 cover it up over there. Keep it covered.

3 (The jury entered the courtroom.)

4 THE COURT: All right. Mr. Armijo, I'll  
5 remind you you're still under oath.

6 THE WITNESS: Yes.

7 THE COURT: Mr. Castellano, if you wish to  
8 continue your examination of Mr. Armijo, you may do  
9 so at this time.

10 MR. CASTELLANO: Thank you, Your Honor.  
11 I'm just showing them another exhibit.

12 THE COURT: That's fine. Take your time.

13 MR. CASTELLANO: Thank you, Your Honor.

14 THE COURT: Certainly.

15 BY MR. CASTELLANO:

16 Q. All right, Mr. Armijo. I earlier asked  
17 you about someone named Gerald Archuleta, or Styx.  
18 Do you recall that?

19 A. Yes.

20 Q. Can you tell the members of the jury  
21 whether you've ever sent drugs to Mr. Archuleta?

22 A. I sent Suboxone strips to him.

23 Q. And when you send him the strips, was that  
24 in prison, or was he living somewhere else?

25 A. He was living in Tennessee.

1 Q. How did you send him the Suboxone strips?

2 A. Just through regular mail.

3 Q. Do you remember approximately when that  
4 was?

5 A. 2014, 2015.

6 Q. So when Mr. Archuleta moved out of state,  
7 did you keep in touch with him?

8 A. Yes.

9 Q. How would you communicate with him?

10 A. Through telephone.

11 Q. And if you recall, approximately how many  
12 times did you mail Suboxone strips to him?

13 A. About three or four times.

14 Q. And on each of those occasions, did you  
15 use the mail?

16 A. Yes.

17 Q. And when you were in the prison system,  
18 did you also use the mail back then? In other  
19 words, would you mail -- send mail in and out of the  
20 prison system?

21 A. To him?

22 Q. Or anybody.

23 A. Anybody? Yes.

24 Q. Who would you normally send mail to?

25 A. To Gerald Archuleta and Angel Munoz.



1 Q. And why would you write them?

2 A. Just to keep in contact with them, let  
3 them know how I was doing, and find out what was  
4 going on in there with them.

5 Q. So when you were using the mail, where  
6 were each of you located?

7 A. I was either in Albuquerque, they were in  
8 prison, or vice versa.

9 Q. Was that just for the purpose of updating  
10 each other on the status of things?

11 A. That, and just see how each other was  
12 doing.

13 Q. At any time did you guys ever discuss SNM  
14 business, what the brothers were doing, or anything  
15 like that?

16 A. No.

17 Q. Now, I asked you a little bit about the  
18 All Stars earlier. What ever happened to the All  
19 Stars?

20 A. They just faded out.

21 Q. Why is that?

22 A. They were really nobody, so they just  
23 weren't recognized by anybody, really.

24 Q. So when they tried breaking away from the  
25 SNM, what was the SNM's response to them?

1 A. Kind of just shrugged it off.

2 Q. Were any members of the All Stars  
3 assaulted by any members of the SNM, that you know  
4 of?

5 A. Yes.

6 Q. Who was assaulted?

7 A. I know Chaparro was assaulted. JR. They  
8 were, I think, the two founders that started the All  
9 Stars.

10 Q. And to the best of your recollection,  
11 about how long did the All Stars last as an  
12 attempted break-off group?

13 A. About a year and a half, two years at the  
14 most.

15 Q. Now, were you aware of the, I guess I  
16 would say, disagreement between Mr. Archuleta and  
17 Julian Romero?

18 A. Yes.

19 Q. What was that about?

20 A. Julian Romero got out of prison and he  
21 went to go pick up drugs from Gerald Archuleta's  
22 wife -- I think his wife at the time. And he ended  
23 up messing around with her, hooking up with her.

24 Q. Do you know what the drugs were going to  
25 be used for? In other words, were they just for his

1 use, or was he going to distribute them or sell them  
2 to someone else?

3 A. I think it was for his use and to send  
4 back in.

5 Q. When you say "send back in" --

6 A. Back in the prison.

7 Q. What effect did that have on the SNM, when  
8 you had two members who were kind of in leadership  
9 positions having a dispute like that?

10 A. It caused a big disturbance between a lot  
11 of people.

12 Q. I don't want to put words in your mouth,  
13 so you can tell me if I'm not stating this right.  
14 Would you say that at times there were splits or  
15 factions, some people would say they would follow  
16 Julian more than Styx, Archuleta, for example?

17 A. Yeah, there was -- Julian tried to get a  
18 lot of the guys from Barelás that were in the S to  
19 side with him.

20 Q. And so even though there is kind of a  
21 split within the gang, did the gang ever become two  
22 gangs, or did it remain one gang?

23 A. No, we always remained one gang.

24 Q. So in other words, if you were going to go  
25 to war with the LC, and you had guys who liked Styx

1 more than Julian, and you were going to go to war  
2 with someone else, would the gang pull together and  
3 fight as one or as two?

4 A. Together.

5 Q. I'm going to ask you about tattoos. Do  
6 you have any SNM-related tattoos?

7 A. I have two of them.

8 Q. What do they look like?

9 A. The Zia symbol with the SNM in the middle  
10 of it.

11 Q. What's the importance of the Zia symbol to  
12 the SNM?

13 A. It's our -- it represents our state.

14 Q. And do you know people who are not SNM  
15 members who have a Zia tattoo?

16 A. Yes.

17 Q. Do you know SNM members who have a Zia  
18 tattoo without an S in it?

19 A. Yes.

20 Q. Do you know SNM members who don't have any  
21 SNM tattoos?

22 A. Yes.

23 Q. So does the tattoo itself necessarily tell  
24 you anything about whether someone is a member?

25 A. Well, to have the tattoo, obviously, you

1 are a member. Some of them don't; some of them  
2 choose not to get it, so they don't get recognized  
3 or validated.

4 Q. That leads to my next question, then. So  
5 is there a distinction between being an SNM member  
6 and being validated by the prison system? Does that  
7 make sense?

8 A. Yeah. Well, being validated is being  
9 recognized by the, I guess, correction officers, by  
10 the STIU.

11 Q. And then what's the difference between  
12 what the prison system thinks and what the SNM  
13 thinks about membership?

14 A. That's just so we know who's who.

15 Q. In other words, can you be an SNM member  
16 but not be validated by the prison system?

17 A. Yes.

18 Q. Do you recall if the prison system ever  
19 considered you or validated you as an SNM member?

20 A. Validated me?

21 Q. Yes.

22 A. I'm a validated SNM member.

23 Q. So is it fair to say you're validated by  
24 the prison, and separate from what the prison  
25 thinks, you are an SNM Gang member?

1 A. Yes.

2 MR. CASTELLANO: May I approach the  
3 witness, Your Honor?

4 THE COURT: You may.

5 BY MR. CASTELLANO:

6 Q. Mr. Armijo, I'm going to show you what's  
7 page 63 of Exhibit 251. I'll have you take a look  
8 at it and see if you recognize that.

9 A. Yes.

10 Q. How do you recognize it?

11 A. It's a picture of myself and other  
12 members.

13 Q. Do you know all the members in that  
14 exhibit?

15 A. Yes. There's two people that ain't  
16 members.

17 Q. Okay. Let's talk about that. Thanks.

18 A. Um-hum.

19 Q. And is this a fair and accurate depiction  
20 of the photo as you remember it when it was taken?

21 A. Yes.

22 MR. CASTELLANO: Your Honor, I move the  
23 admission of Government's Exhibit 251. I will note  
24 this is a large exhibit, so this is page 63 of that  
25 exhibit. And it's Baca Bates stamped 7840.

1 THE COURT: So you're just introducing the  
2 one page out of it?

3 MR. CASTELLANO: That's correct.

4 THE COURT: Any objection?

5 MR. VILLA: Your Honor, I don't object to  
6 it, but I'm wondering, if it's just one page,  
7 whether it ought to be designated by a different  
8 number, or 251-A or something.

9 MR. CASTELLANO: I'm happy to designate it  
10 any way that makes it clear.

11 THE COURT: All right. Why don't you make  
12 it 251-A? Not hearing any objection, Government's  
13 Exhibit 251-A will be admitted into evidence.

14 (Government Exhibit 251-A admitted.)

15 MR. CASTELLANO: With the Court's  
16 permission, I'll publish that to the jury.

17 THE COURT: You may.

18 BY MR. CASTELLANO:

19 Q. For now, if we can just zoom in on the  
20 picture. While that's happening, Mr. Armijo, okay,  
21 you mentioned some people there were members and  
22 some people were not members; is that correct?

23 A. Yes.

24 Q. Now, it looks like they have numbers over  
25 there. So if we can start with Number 1, who is

1 that person?

2 A. That was Ralph Mendez, I think. I don't  
3 remember his last name.

4 Q. While you're doing that, I'm going to have  
5 you move the microphone. I know you're looking at  
6 the screen. Move it in front of you so the jury can  
7 hear you.

8 A. Ralph.

9 Q. And who is Number 2?

10 A. Well, we called him Cookies.

11 Q. That's the name you know him by?

12 A. Yeah.

13 Q. And are the people in the picture Number 1  
14 and Number 2 -- are either of those people SNM Gang  
15 members?

16 A. Number 1, no. Number 2, yes.

17 Q. All right. So why was Number 1 taking a  
18 picture with the other people, just so we understand  
19 that?

20 A. We were all good friends.

21 Q. Number 3?

22 A. That's myself.

23 Q. Is that a young you?

24 A. Yes.

25 Q. Number 4?



1 A. That's Angel Munoz.

2 Q. Number 5?

3 A. Joe Bojon, I think his last name. Joe  
4 Bojon. He's not an SNM member.

5 Q. Number 6?

6 A. I don't remember his name. He's not an  
7 SNM member. He was from El Paso, Texas.

8 Q. And Number 7?

9 A. He also -- I don't remember his name, but  
10 he's not an SNM member. He was originally from  
11 California somewhere. Norwalk, I think.

12 Q. And is it common for inmates in prison to  
13 take photos like this?

14 A. Yes.

15 Q. And what's the purpose of doing something  
16 like this?

17 A. Just for memories.

18 Q. Have you in the past taken photos of just  
19 you with a group of fellow gang members?

20 A. Yes.

21 Q. Now, Number 4 is who, again?

22 A. Angel Munoz.

23 Q. So tell us about Angel Munoz. You told us  
24 a little bit about him earlier, but how big was he  
25 in the SNM?

1 A. He was pretty big. He was, I think, one  
2 of the founding fathers that founded the SNM.

3 Q. And did you consider yourself close with  
4 him?

5 A. Yes, very close.

6 Q. Did you discuss the history of the SNM  
7 with him?

8 A. Yes.

9 Q. And what do you know about how the SNM was  
10 born?

11 A. It was born after the riots, the '80  
12 riots, that happened in the main. They basically  
13 got together, and it wasn't really, like, about, I  
14 don't know, like gang membership. It was really a  
15 group of guys that took care of each other and that  
16 tried to represent the inmates from the -- I guess  
17 to get them more living conditions, you know what I  
18 mean? The living conditions, better living  
19 conditions, better food, better everything.

20 Q. And over time, what did the SNM become?  
21 You said basically they were just guys looking out  
22 for each other, a brotherhood?

23 A. Yeah. It was them against the  
24 administration.

25 Q. And how did that change over time?

1           A.     Drugs became a big issue. I guess it's  
2 always drugs, always been a big issue inside the  
3 prison system. They were easy to get in. Everybody  
4 did them. Everybody bought them.

5           Q.     So would it be common for SNM Gang members  
6 to use drugs in prison?

7           A.     Yes.

8           Q.     Did that create problems in terms of  
9 holding everyone together and organization and  
10 leadership?

11          A.     Yes.

12          Q.     And even with all the problems and the  
13 politics and things like that, did the SNM still  
14 remain a gang, and did you still look out for each  
15 other?

16          A.     To a point, yeah. At the end, to a point.  
17 It got kind of pretty bad, to a point where  
18 everybody was bickering with everybody, everybody  
19 was taking sides.

20          Q.     Would you equate it to a dysfunctional  
21 family?

22          A.     Yes.

23          Q.     Is that one of the problems you eventually  
24 had with the gang?

25          A.     Yes.

1 Q. All right. Now, you mentioned Angel Munoz  
2 as a founding father. Who would be considered other  
3 founding fathers of this gang?

4 A. I mentioned them before. Jacobo Armijo,  
5 Marty Barros, Juan Baca. Those are like the main  
6 ones that I know of.

7 Q. Did you know them personally?

8 A. Yes.

9 Q. Can you tell the members of the jury  
10 whether you're currently in custody or currently on  
11 conditions of release?

12 A. I'm on conditions of release.

13 Q. What does that mean? Does that mean you  
14 have to report to somebody who supervises you?

15 A. Yes, I wear an ankle monitor bracelet.

16 Q. What else do you have to do as part of  
17 your conditions?

18 A. Keep a job and stay out of trouble.

19 Q. And I won't ask you where you work, but  
20 are you currently working?

21 A. Yes.

22 Q. About how many hours a week do you work?

23 A. About 40. Close to 40 hours a week.  
24 Maybe a little less some days, depending on the  
25 times of year that it gets slow.

1 Q. I'm going to talk to you about any  
2 benefits you received from the Government in  
3 connection with your cooperation in this case. Can  
4 you tell the members of the jury whether you  
5 received any money from the Government in exchange  
6 for any cooperation?

7 A. No.

8 Q. While you've been on conditions of  
9 release, have you violated those conditions at any  
10 time?

11 A. Yes.

12 Q. How did you violate your conditions?

13 A. A dirty UA.

14 Q. Is a UA a urinalysis?

15 A. Urinalysis test.

16 Q. How many times have you had a dirty  
17 urinalysis?

18 A. Twice.

19 Q. Do you recall if it was two times or three  
20 times?

21 A. Three times.

22 Q. What did you test positive for?

23 A. Heroin.

24 Q. On these occasion and more recently, why  
25 did you use heroin?

1           A.    I suffer from arthritis in my hands, feet,  
2   and back, and I was prescribed hydrocodones.  And  
3   when the hydrocodones weren't working as good, I  
4   started used heroin to kill the pain.

5           Q.    How did you use the heroin?

6           A.    Intravenously.  The last time I was just  
7   snorting it.

8           Q.    Have you had any problems other than those  
9   three dirty urinalyses?

10          A.    No.

11          Q.    On any of those occasions were you  
12   arrested for your violation of conditions of  
13   release?

14          A.    Once.

15          Q.    And after your arrest, based on how were  
16   doing, were you then released on conditions again?

17          A.    Yes.

18          Q.    When is the last time you were in prison?

19          A.    2012.

20          Q.    So have you been to jail or prison since  
21   that time?

22          A.    Yes.

23          Q.    For what?

24          A.    Well, for the last dirty UA, and for the  
25   roundup on the conspiracy charge for the

1 racketeering.

2 Q. So both of those times related to this  
3 case?

4 A. Yes.

5 Q. Anything else? It's been almost six years  
6 now?

7 A. That I've been out? Yes.

8 MR. CASTELLANO: Your Honor, I pass the  
9 witness.

10 THE COURT: Thank you, Mr. Castellano.  
11 Do you want to go first, Mr. Villa?

12 MR. VILLA: If I may, Your Honor.

13 THE COURT: You may.

14 MR. VILLA: Thank you, Judge.

15 THE COURT: Mr. Villa.

16 EXAMINATION

17 BY MR. VILLA:

18 Q. Good afternoon, Mr. Armijo.

19 A. Good afternoon.

20 Q. So Mr. Armijo, you knew Rudy Perez?

21 A. Yes.

22 Q. You all were in prison together in the  
23 Southern New Mexico Correctional Facility?

24 A. Yes.

25 Q. And I believe you said you were there

1 until 2012; is that correct?

2 A. Yes.

3 Q. You were in what we call the blue pod?

4 A. Yes.

5 Q. And during that time in the blue pod, Mr.  
6 Perez was there with you?

7 A. Yes.

8 Q. Do you remember what month you left in  
9 2012?

10 A. That I left?

11 Q. Yes, sir?

12 A. March 2012.

13 Q. All right, March. So before you left, do  
14 you recall Mr. Perez had health problems?

15 A. Yes.

16 Q. He had trouble with his legs, trouble  
17 walking?

18 A. Yes.

19 Q. And at that time he was using a cane;  
20 correct?

21 A. Yes.

22 Q. And he also had other health problems, had  
23 to go to medical a lot?

24 A. Yes.

25 Q. And he oftentimes stayed in his room?



1 A. Yes.

2 Q. Slept a lot?

3 A. Yes, he did.

4 Q. Didn't always go outside for recreation?

5 A. No.

6 Q. While you were there, did you know Mario  
7 Rodriguez?

8 A. Does he have another name he goes by?

9 Q. Sometimes he goes by the moniker Blue.

10 A. No, I never met Blue until at the North  
11 facility.

12 Q. When did you meet Blue at the North  
13 facility?

14 A. I can't recall.

15 Q. Was that after 2012?

16 A. No.

17 Q. Did you meet him before 2012?

18 A. Before 2012. But he wasn't in Cruces  
19 while I was there.

20 Q. I understand. Did he have a reputation in  
21 the SNM?

22 A. Yes.

23 Q. What was his reputation?

24 A. I heard he was crazy and he was down to do  
25 what he had to do.

1 Q. He was crazy, meaning --

2 A. He handled his business.

3 Q. Scary guy?

4 A. Yeah.

5 Q. Would commit a lot of acts of violence?

6 A. That's what I would assume, yes.

7 Q. And at the time, in 2012, at least, and  
8 maybe 2011, Mr. Perez' reputation was mostly he was  
9 sick and in bed; right?

10 A. Yes.

11 Q. And he wasn't the leader?

12 A. No.

13 Q. He wasn't the llavero?

14 A. No.

15 Q. The llavero is the key-holder or someone  
16 who has a leadership role in the pod?

17 A. Yes.

18 Q. You testified a little bit about kind of  
19 the way things work with the gang, and I want to ask  
20 you about that. You testified about if somebody was  
21 going to be moved on; right? Do you remember that  
22 term?

23 A. Yes.

24 Q. That means that they were going to be  
25 either assaulted or murdered or attacked in some

1 way; right?

2 A. Yes.

3 Q. And if certain members of the SNM decided  
4 to move on somebody, and other members of the SNM  
5 tried to stop them, what would happen to them?

6 A. I guess it would depend on who the other  
7 members were, and what evidence they had to move on  
8 that person.

9 Q. Well, let me ask you this. If a group of  
10 SNM members were conspiring to commit a murder and  
11 another SNM member, who wasn't part of the  
12 conspiracy, reported that to the authorities to try  
13 to stop it, reported it to a CO or somebody, what  
14 would happen to that SNM member?

15 A. He'd probably get killed.

16 Q. And if that SNM member was physically able  
17 and tried to physically stop those other members  
18 from committing a murder, what would happen to that  
19 SNM member?

20 A. He would probably be murdered along with  
21 him.

22 Q. You talked about making weapons and  
23 shanks. Do you remember that?

24 A. Yes.

25 Q. Was there a common name for a shank called

1 an ice pick?

2 A. Yes.

3 Q. What's an ice pick?

4 A. Ice picks are used from pieces of the  
5 fence. They're better used because it's harder to  
6 stop the bleeding from a puncture hole.

7 Q. So you're not talking about an ice pick  
8 that I might buy at the store to pick ice.

9 A. No.

10 Q. It's just a term that was used for certain  
11 types of shanks?

12 A. Yes.

13 Q. And you said they were made out of the  
14 fence. You're talking about --

15 A. The ice pick would be similar to a regular  
16 ice pick that you would buy at the store.

17 Q. So it would look like that?

18 A. Yes.

19 Q. So it was like a chain link fence?

20 A. Yes, it could be.

21 Q. Were there other things that folks made  
22 ice picks out of?

23 A. No, not really. Just something real thin,  
24 a thin piece of metal that could be real thinned-out  
25 to look like an ice pick.

1 Q. And you testified that there was always  
2 somebody that's in charge of the weapons or the  
3 shanks; right?

4 A. Yes.

5 Q. So that person is responsible for knowing  
6 where they are or holding onto them?

7 A. Yes.

8 Q. Was that true when you were in the blue  
9 pod in 2012?

10 A. Yes.

11 Q. You testified that Javier Molina was in  
12 the blue pod in 2012; correct?

13 A. Yes.

14 Q. Was he responsible for holding the shanks  
15 at that time?

16 A. No.

17 Q. Do you know if he ever was?

18 A. Not while I was there, no.

19 Q. You talked about if somebody PCs  
20 themselves -- and "PC" stands for protective  
21 custody; right?

22 A. Yes.

23 Q. I think you testified on direct that's  
24 when somebody says, "My life is in danger," and they  
25 tell a CO or someone else in the prison so they can

1 get moved out of where they are; right?

2 A. Yes.

3 Q. But you said that oftentimes people hear  
4 about that.

5 A. Yes.

6 Q. And so that person can be in danger for  
7 PC'ing themselves; right?

8 A. Yes.

9 Q. They hear about it because things like  
10 that spread fastly in the prison; right?

11 A. Yes.

12 Q. Spread fast, I guess I should say. And  
13 that includes among the members of the gang; rumors  
14 can spread quickly, can't they?

15 A. Yes.

16 Q. And talking about that, you talked about  
17 how if somebody is perceived to be a -- cooperating  
18 with law enforcement, or a rat or snitch, they could  
19 be killed; correct?

20 A. Yes.

21 Q. And you testified that oftentimes members  
22 wanted to see paperwork about whether the person was  
23 an informant; right?

24 A. Yes.

25 Q. But isn't it true that part of the

1 division that you talked about in the SNM, the  
2 disagreements that took place, was whether you  
3 needed paperwork or not to move on somebody who you  
4 thought was a snitch?

5 A. Yes.

6 Q. So there were factions or groups of gang  
7 members who would be willing to move on somebody  
8 even without paperwork?

9 A. Yes.

10 Q. So if there was a rumor that had spread  
11 about somebody being an informant, they could be  
12 moved on or killed even though maybe they weren't an  
13 informant.

14 A. Yes.

15 Q. Did you often run across situations when  
16 you were in the SNM where people took responsibility  
17 for things they didn't do?

18 A. Yes.

19 Q. So they said that they played a role in  
20 maybe a hit or an assault, but really they didn't?

21 A. Yes.

22 MR. VILLA: May I have just a moment, Your  
23 Honor?

24 THE COURT: You may.

25 MR. VILLA: No more questions.

1 THE COURT: Thank you, Mr. Villa.

2 Mr. Jewkes, do you have cross-examination  
3 of Mr. Armijo?

4 MR. JEWKES: Yes, Your Honor. Your Honor,  
5 may it please the Court?

6 THE COURT: Mr. Jewkes.

7 CROSS-EXAMINATION

8 BY MR. JEWKES:

9 Q. Good afternoon, Mr. Armijo.

10 A. Good afternoon.

11 Q. How are you, sir?

12 A. Been better.

13 Q. Mr. Armijo, you joined the SNM in 1993?

14 A. Yes.

15 Q. Correct?

16 A. Yes.

17 Q. And at that time, I believe you said, you  
18 were the personal bodyguard to Angel Munoz?

19 A. Yes.

20 Q. How big a man was he in the SNM? Was he  
21 at the very top?

22 A. Very top.

23 Q. Very top?

24 A. Very top.

25 Q. He was the man.



1 A. Yes.

2 Q. And you were his bodyguard.

3 A. Yes.

4 Q. This party that you went to in Santa Fe --  
5 there was some kind of wedding party for somebody in  
6 Angel Munoz' family; is that correct?

7 A. I didn't know what it was for. I just  
8 know it was a party.

9 Q. Okay. But you had problems with a couple  
10 of guys?

11 A. One.

12 Q. One guy? He disrespected Angel Munoz?

13 A. Yes.

14 Q. How did he go about doing that?

15 A. He was drunk, just constantly talking down  
16 to him.

17 Q. And you stepped in?

18 A. Yes.

19 Q. You waited until he went behind the house;  
20 correct?

21 A. Yes.

22 Q. And then what did you do, sir?

23 A. I stabbed him.

24 Q. Where did you stab him?

25 A. In the body area.

1 Q. Torso?

2 A. Yes.

3 Q. How many times?

4 A. About three, four times.

5 Q. What did you do with his body?

6 A. We left. I didn't do nothing with it.

7 Just left.

8 Q. Did the man live or die?

9 A. I assume he's still alive. I've never  
10 heard nothing about it. I watch the news a lot, so  
11 I've never -- nothing ever happened, came out about  
12 it. I'm sure I would have heard about it through  
13 Angel's wife if he had died.

14 Q. All right, sir. Now, was it before that  
15 or after that that you got your throat cut?

16 A. It was before.

17 Q. It was before?

18 A. Yes.

19 Q. So the incident in Santa Fe -- that  
20 happened before you had some problems with some  
21 African-Americans; is that correct?

22 A. Can you repeat that?

23 Q. If I understood you correctly, your throat  
24 was cut by a black inmate.

25 A. Yes.

1 Q. When I said African-American, I meant  
2 black.

3 A. Yes, I know.

4 Q. Where did that happen?

5 A. In the Santa Fe -- in the main facility.

6 Q. Now, this fight that you had with that  
7 black inmate -- was that political? In other words,  
8 did it have -- was it gang business or was it  
9 personal?

10 A. It was personal.

11 Q. He disrespected you?

12 A. Yes.

13 Q. So the two of you locked horns.

14 A. Yes.

15 Q. That sort of thing happens in prison quite  
16 a bit, doesn't it?

17 A. Yes.

18 Q. Personal disputes.

19 A. Yes.

20 Q. They call them personal beefs.

21 A. Yes.

22 Q. It's not always gang-related, is it?

23 A. No.

24 Q. If you're going to live in prison, you  
25 have to stand up for yourself. Would you agree with

1 that?

2 A. Yes.

3 Q. Or you go down.

4 A. Yes.

5 Q. You mentioned the name Daniel Sanchez.

6 A. Yes.

7 Q. Okay. Now, I don't want to insult you,  
8 but you're an old-timer.

9 A. Yes.

10 Q. Are you familiar with the term OTG?

11 A. Yes.

12 Q. You know what it means. Old-time  
13 gangster.

14 A. Yes.

15 Q. You've been around since the early '90s.

16 A. Yes.

17 Q. Did you ever know Daniel Sanchez?

18 A. Yes.

19 Q. Old Daniel Sanchez?

20 A. Old?

21 Q. Yeah. There are two different Daniel  
22 Sanchezes.

23 A. Um-hum.

24 Q. You know that; right?

25 A. Yes. One from Belen, and then Danny.

1 Q. And this Danny.

2 A. Yes.

3 Q. Okay. How well did you know old Daniel  
4 Sanchez?

5 A. Cowboy Dan? I know him pretty good.

6 Q. Cowboy Dan?

7 A. That's what we called him.

8 Q. Some folks also called him Dan Dan.

9 A. Dan Dan, yes.

10 Q. Okay. This gentleman right here that you  
11 pointed out -- where is he from?

12 A. I don't remember.

13 Q. You don't know?

14 A. No.

15 Q. Did you ever do time with him?

16 A. Yes.

17 Q. There was one brief period -- correct me  
18 if I'm wrong -- in 1993, maybe '94, when the two of  
19 you were together at PNM; correct?

20 A. Yes.

21 Q. How long were the two of you together?

22 A. Not very long.

23 Q. A short period of time?

24 A. Yes.

25 Q. And you really haven't had any dealings

1 with him or seen him since '94; isn't that correct?

2 A. No.

3 Q. No?

4 A. No. We've ran into each other. We've  
5 done a lot of time at the North. He's been at the  
6 North facility for quite a few years, and so have I.

7 MR. JEWKES: If I may have just a moment,  
8 Your Honor?

9 THE COURT: You may.

10 BY MR. JEWKES:

11 Q. You were asked a question, I believe it's  
12 by Mr. Castellano, about when you're in the pod with  
13 a bunch of guys, do you make something up -- in  
14 other words, you lie -- and you can get in trouble  
15 for that with the other guys. Did I characterize  
16 that correctly?

17 A. No.

18 Q. No?

19 A. What do you mean by making up lies?

20 Q. Saying you did things that you really  
21 didn't.

22 A. Oh, right. Taking responsibility for  
23 something that you didn't do?

24 Q. Yes, sir.

25 A. Yes.

1 Q. And that's what I'm talking about. You  
2 can get in trouble doing that.

3 A. Yes.

4 Q. But yet, there are guys that do that,  
5 don't they?

6 A. Yes.

7 Q. They make up stories.

8 A. Yep.

9 Q. And how many years have you done in prison  
10 altogether?

11 A. Did 22 years in prison.

12 Q. So you've just about seen it all, haven't  
13 you?

14 A. Yes.

15 Q. Been around all kinds of people.

16 A. Yes.

17 Q. And you get some of these guys, they want  
18 to be somebody, so they make up stories.

19 A. Yes.

20 Q. You've seen that?

21 A. Yes.

22 Q. Mr. Armijo, I'm going to skip around some,  
23 because I'm going to try and save us some time.

24 You were talking about the COs don't  
25 really care about -- or didn't really care about

1 kites, as long as what was going under the doors  
2 wasn't shanks. Did I characterize that correctly,  
3 or am I off base?

4 A. Kind of. It wasn't really that they  
5 didn't care about kites. They just rarely paid  
6 attention to what was going on in the pod.

7 Q. Why not?

8 A. As long as we were doing what we had to  
9 do, and behaving, they mostly sat up in the bubble  
10 and played on their phones, really.

11 Q. Where was that, sir?

12 A. In the bubble, above.

13 Q. Which unit? North, South, Southern? PNM.

14 A. At all prisons.

15 Q. All prisons?

16 A. All prisons are like that.

17 Q. Tell us about the COs. What -- do they  
18 work hard?

19 A. I guess some of them do. Some of them do  
20 the job. Some of them are just there to get a  
21 paycheck and go home.

22 Q. When you use the term "CO," we're talking  
23 about correctional officers.

24 A. Yes, sir.

25 Q. And you've seen them sit up in that bubble



1 and not really pay much attention to what's going on  
2 down below?

3 A. Yes.

4 Q. Do drugs ever change hands down below?

5 A. Oh, yes.

6 Q. Do those COs pay any attention to that?

7 A. No.

8 Q. Now, if a shank changes hands, somebody is  
9 liable to wake up; right?

10 A. Not necessarily.

11 Q. No? Not necessarily? So it's pretty much  
12 anything goes, as long as we're not making too much  
13 noise or creating too much of a disturbance. Would  
14 that be pretty accurate?

15 A. Yes.

16 Q. How prevalent are drugs inside the prison  
17 system, Mr. Armijo?

18 A. At a time, they were there constantly.

19 Q. Suboxone?

20 A. Nowadays, yes.

21 Q. Yes. How about the old days? What was  
22 prevalent?

23 A. Heroin and marijuana.

24 Q. What about meth?

25 A. They came in occasionally, but that would

1 usually stay between the white guys.

2 Q. What about cocaine?

3 A. Like, occasionally.

4 Q. Cocaine is pretty expensive, isn't it?

5 A. Yeah.

6 Q. Always has been, hasn't it? These  
7 Suboxone strips that you sent to Gerald Archuleta --  
8 how were you able to conceal them?

9 A. Can I use this?

10 Q. Well, we'll ask the Judge.

11 MR. JEWKES: May he?

12 A. Just fold it up, put it in there, and put  
13 it in the mail.

14 Q. What keeps the strips from falling out?

15 A. They're in an envelope.

16 Q. So they're just loose?

17 A. Yeah. I was doing that while I was on the  
18 streets, while I was free, so -- just a regular  
19 letter.

20 Q. Inmates like Suboxone because it's fairly  
21 easy to conceal, is it not?

22 A. Yes.

23 Q. Okay. You were asked about tattoos.

24 A. Yes.

25 Q. Once again, what are the popular SNM

1 tattoos, Mr. Armijo?

2 A. The Zia with an SNM inside it.

3 Q. Okay.

4 A. That's it.

5 Q. That's it?

6 A. That's the only one that I know of.

7 Q. The Zia, which is the official --

8 A. New Mexico symbol.

9 Q. -- New Mexico symbol. Yes, sir. By the  
10 way, did you know that it's -- if I'm not mistaken,  
11 I think it's an old Zuni symbol.

12 A. Yes.

13 Q. It has some kind of religious  
14 significance.

15 A. Yes.

16 Q. What if a guy has the Lord's Last Supper  
17 tattooed on his abdomen? Would that be an  
18 indication he was SNM?

19 A. No.

20 Q. Myself, I would take that as a religious  
21 scene. Would you not also do that?

22 A. Yes.

23 Q. What about a tattoo of a charra? You know  
24 a charra?

25 A. Yes.

1 Q. A Chihuahua cowgirl.

2 A. Yes.

3 Q. You've seen them.

4 A. Yes.

5 Q. The big hats and low-cut blouses. You  
6 know the story.

7 A. Yes.

8 Q. Is that an SNM symbol?

9 A. No.

10 Q. No? It's fairly popular with young  
11 Hispanic males. Would you agree with that?

12 A. Yes.

13 Q. What about a tattoo of Pancho Villa on the  
14 shoulder?

15 A. No.

16 Q. Not SNM?

17 A. No.

18 Q. Basically, that's Mexican folklore or  
19 history, really.

20 A. It's history, yes.

21 Q. Yeah, Pancho Villa was a very well-known  
22 general during the revolution.

23 A. Yes.

24 Q. Mr. Armijo, tell us how you know you're a  
25 validated SNM member. What happened in your life to

1 make you validated?

2 A. I have the tattoos. I have an SNM tattoo  
3 on my body.

4 Q. Okay. But there have been incidences of  
5 people that have SNM tattoos that were not true SNM  
6 members; am I correct, or am I way off base there?

7 A. I've never known to know one.

8 Q. No?

9 A. No.

10 Q. So everybody who has SNM tattooed on them,  
11 somewhere on their body, is a validated member? Is  
12 that your understanding?

13 A. Yes.

14 Q. There are no phonies running around?

15 A. Of course.

16 Q. Someone could have an SNM tattoo.

17 A. Yes.

18 Q. Wouldn't be too smart. Just a few more  
19 points, Mr. Armijo. You also made mention, in  
20 response to questioning from Mr. Villa there, about  
21 rumors spread quickly in prison.

22 A. Yes.

23 Q. It's not at all uncommon for someone, an  
24 inmate, to brag about something he didn't do to make  
25 himself more elevated. Would you agree with that?

1 A. Yes.

2 Q. And a lot of these rumors that spread  
3 through the community -- I'm talking about the  
4 prison community -- they are lies, are they not?

5 A. A lot of them could be.

6 Q. Okay. What made you decide to cooperate,  
7 Mr. Armijo, after 20-some-odd years?

8 A. I kind of lost faith in everything that I  
9 believed in. And I have better things to do with my  
10 life than to pussy-foot around in my old ways. I've  
11 grown up, in other words.

12 Q. Well, I commend you for that, wanting to  
13 improve your life. But what was it? The politics  
14 that turned you off?

15 A. Yeah, the politics, the back-stabbing, the  
16 loyalty, just the common bullshit that goes on  
17 nowadays, everybody wanting to be a leader.

18 Q. How long have you been cooperating, sir?

19 A. Since, like, about four months after the  
20 incident happened that we got rounded up.

21 Q. You pled guilty on March 1st of 2017.  
22 Does that sound right?

23 A. Yes.

24 Q. And you did so with a plea agreement, did  
25 you not?

1 A. Yes.

2 Q. And are you expecting to receive any type  
3 of benefit for what you're doing?

4 A. Yes.

5 Q. All right, sir. Please tell me what you  
6 expect to receive.

7 A. A reduced sentence.

8 Q. How much reduced?

9 A. Whatever is there.

10 Q. Mr. Armijo, have you received any type of  
11 money from the FBI since you agreed to cooperate?  
12 Any type of financial assistance of any sort?

13 A. No.

14 Q. Have you received any kind of living  
15 benefits?

16 A. They rented me a room. That was it, for  
17 these last couple of days.

18 Q. For your appearance here?

19 A. Yes.

20 Q. Have they helped you get employment?

21 A. No.

22 Q. Have they helped you relocate to someplace  
23 to live?

24 A. No.

25 Q. Mr. Armijo, are you the same Manuel Jacob

1 Armijo that was convicted in 1991 on two counts of  
2 aggravated assault out of the Second Judicial  
3 District Court of Bernalillo County?

4 A. 1991?

5 Q. That would have been in 1991.

6 A. Probably, yes.

7 Q. Probably?

8 A. Yes.

9 Q. Are you the same Manuel Jacob Armijo that  
10 was convicted in 1994 for escape from jail in San  
11 Juan County?

12 A. Yes.

13 Q. Are you the same Manuel Jacob Armijo who  
14 was convicted of commercial burglary on November  
15 1st, 1994, out of the Second Judicial District Court  
16 of Bernalillo County?

17 A. I could be. I don't remember all my  
18 charges, everything that I've been convicted of.

19 Q. After you pled guilty this last time, do  
20 you remember sitting down with a probation officer?

21 A. Yes.

22 Q. And the two of you went through much of  
23 what we're talking about now; correct?

24 A. Yes. I went through it with my lawyer. I  
25 never went through it with the P.O., I mean, with



1 the probation officer.

2 Q. Fair enough. Fair enough.

3 Are you the same Mr. Armijo who was  
4 convicted in March of 1998 for possession of  
5 methamphetamine out of the 11th Judicial District  
6 Court in San Juan County?

7 A. Yes.

8 Q. What about the same gentleman who, on June  
9 15, 2001, was convicted of distribution of a  
10 controlled substance?

11 A. Yes.

12 Q. Okay. The same gentleman who, on July 29,  
13 2006, was convicted of possession of a controlled  
14 substance, to wit: methamphetamine --

15 A. Yes.

16 Q. -- out of the Second Judicial District;  
17 that would have been Albuquerque.

18 What about on January 26, 2007, receiving  
19 and transferring a stolen vehicle, out of the Second  
20 Judicial District Court?

21 A. Yes.

22 Q. Once again, on March 13, 2007, receiving  
23 or transferring a stolen vehicle, out of the Second  
24 Judicial District Court.

25 A. I know there was a couple of those that I

1 did not do. I know -- I think I have one  
2 transferring and receiving a stolen vehicle.

3 Q. Yes, sir.

4 A. Yes, sir.

5 Q. What about September 9, 2007, attempted  
6 battery on a peace officer out of the Second  
7 Judicial District Court of Bernalillo County?

8 A. No.

9 Q. You were not convicted on that?

10 A. No.

11 MR. JEWKES: May I approach counsel for  
12 the Government?

13 THE COURT: You may.

14 MR. JEWKES: May I approach the witness,  
15 Your Honor?

16 THE COURT: You may.

17 A. I don't think that's me. If this is the  
18 description of the person, that's not me. It says  
19 5'3". I'm 6'3", so that would not be me.

20 BY MR. JEWKES:

21 Q. If I were you, I'd have a little talk with  
22 my probation officer.

23 MR. JEWKES: I pass the witness.

24 THE COURT: Thank you, Mr. Jewkes.

25 Mr. Maynard, do you have cross-examination

1 of Mr. Armijo?

2 MR. MAYNARD: Yes, Your Honor. Thank you.

3 THE COURT: Mr. Maynard.

4 CROSS-EXAMINATION

5 BY MR. MAYNARD:

6 Q. Mr. Armijo, when you were questioned by  
7 Mr. Castellano, and again by Mr. Jewkes, I believe  
8 you mentioned back-stabbing, the word back-stabbing.

9 A. Yes.

10 Q. You'd kind of had enough of that.

11 A. Yes.

12 Q. Okay. What did you mean by that?

13 A. Just when one of your own brothers tries  
14 to put a hit on you for apparently no reason at all,  
15 kind of, it's a tipping point.

16 Q. And a lot of people were putting hits on  
17 each other for personal grudges.

18 A. Yeah.

19 Q. You saw that over the years.

20 A. Yes.

21 Q. You mentioned, in fact, that SNM started  
22 to change when some of the old-timers left.

23 A. When they died, yes.

24 Q. Everybody wanted to be a boss?

25 A. Yes.

1 Q. Everybody wanted to make their own rules.

2 A. Yes.

3 Q. Now, when you joined, many years ago, what  
4 was the main reason?

5 A. I saw what another person was willing to  
6 do that really didn't know me, what they were  
7 willing to jeopardize.

8 Q. Was fear one of the reasons?

9 A. That I joined?

10 Q. Yes.

11 A. No.

12 Q. You weren't afraid?

13 A. No.

14 Q. You didn't do it for protection?

15 A. No.

16 Q. Then why did you do it?

17 A. I just told you.

18 Q. Because other people were vulnerable?

19 A. No. Because I saw where their heart was  
20 at and what they were willing to do to put their  
21 life in jeopardy for me.

22 Q. Okay. So in your perception, at first, it  
23 was something based on trust.

24 A. Not trust, just --

25 Q. Solidarity?

1 A. Looking out for your own kind.

2 Q. Looking out for each other.

3 A. For each other.

4 Q. So there is some sort of protection in  
5 being part of a community.

6 A. There could be.

7 Q. Right. Now, would it be fair to say that  
8 Angel Munoz many, many years ago was a key in you  
9 deciding to join?

10 A. No.

11 Q. No?

12 A. No.

13 Q. He had no influence on your decision?

14 A. No.

15 Q. And yet you committed violent acts to  
16 protect his respect.

17 A. Yes.

18 Q. Just -- I'm trying to understand.  
19 Thinking back, why did you do that?

20 A. It was my duty. It was what I was told to  
21 do, what I was told -- how I was told to watch him  
22 and make sure nothing happens to him.

23 Q. Okay.

24 A. And over the years, we got close and I've  
25 earned a great amount of respect for him.

1 Q. Now, you also used a term, "to move on  
2 somebody."

3 A. Yes.

4 Q. That doesn't necessarily mean to murder.  
5 It could mean to extort, could it not, or it could  
6 mean to assault?

7 A. It means to assault.

8 Q. All right. Now, so what changed that  
9 happened over the years, as time went by, people  
10 started putting hits on each other for personal  
11 reasons, like a hit was put on you.

12 A. Yes.

13 Q. And that had no connection to the gang  
14 itself. It was just personal.

15 A. I believe it was personal.

16 Q. Right. And in fact, if I understand your  
17 testimony, that's why you felt the dispute between  
18 Archuleta and Romero did a disservice to the SNM.

19 A. Yes.

20 Q. Because if someone can put a hit -- that  
21 is, send out a rumor on someone --

22 A. Well, a hit is not a rumor.

23 Q. A hit is not a rumor?

24 A. No.

25 Q. Does it always have to be on paper?

1 A. What? A rumor or a hit?

2 Q. A hit.

3 A. A hit is somebody giving somebody else an  
4 order to assault somebody or physically hurt them,  
5 murder them, stab them, choke them to death.

6 Q. The order --

7 A. That's the hit.

8 Q. -- does it have to be in writing?

9 A. No.

10 Q. And so it can be verbal?

11 A. Yes.

12 Q. And so it can be passed by voice, by  
13 telephone?

14 A. Or even mail.

15 Q. Or mail?

16 A. Yes.

17 Q. But it can always be passed by  
18 word-of-mouth from one person to another to another?

19 A. Yes.

20 Q. Right. You also mentioned that people, in  
21 your experience, would often take credit for some  
22 kind of violent act or intimidation that they really  
23 weren't responsible for, that they didn't do.

24 A. Yes.

25 Q. Why would they do that?

1           A.    I guess to gain recognition, to gain  
2   respect.

3           Q.    So you would gain respect by taking  
4   credit, well, for doing something that makes them  
5   seem tough.

6           A.    Yes.

7           Q.    That makes it appear that they followed  
8   some kind of rule even if they didn't.

9           A.    Yes.

10          Q.    And the person who does that might be in  
11   fear that they would not seem tough enough if they  
12   didn't take that credit.

13          A.    Could be.

14          Q.    You mentioned about protective custody and  
15   kites.

16          A.    Yes.

17          Q.    So someone who asked for protective  
18   custody would be seen as a coward and would lose  
19   respect?

20          A.    Yes.

21          Q.    And if they lose respect, then they could  
22   become the object of extortion, assaults.

23          A.    Yes.

24          Q.    And people would send out kites -- that  
25   is, a message -- to the COs or the authorities that



1 there was a hit on somebody in order to make it  
2 appear that that person was asking for protective  
3 custody.

4 A. Yes.

5 Q. And that was a tactic to embarrass them  
6 and make them appear weak.

7 A. Yes.

8 Q. So in a nutshell, there was a constant  
9 politicking for respect within the prison system.

10 A. Yes.

11 Q. And not just among SNM members, but just  
12 about any inmate.

13 A. Yes.

14 Q. Now, you spoke about a llavero, keys, or  
15 something.

16 A. Yes.

17 Q. What do you mean by that?

18 A. A llavero is someone that has the head  
19 leadership, the one that has the say-so.

20 Q. About what?

21 A. About anything that goes on. Any  
22 decision-making.

23 Q. In the prison system or the gang or --

24 A. Yes.

25 Q. How high up? Covering the entire SNM?

1 A. Yes.

2 Q. What if another person claims to be a  
3 llavero and has a different opinion about what  
4 should be done, for instance, about doing exercise  
5 or anything? How is that resolved?

6 A. Sometimes it's not.

7 Q. Now, when those disputes are not resolved,  
8 does that give an opportunity to members to insert  
9 their personal grudges and under cover of some kind  
10 of SNM issue? Let's assume somebody has a personal  
11 grudge against Joe, and they know that some people  
12 in influence and authority have a grudge against  
13 Joe.

14 A. Right.

15 Q. Then they can gain respect by beating up  
16 Joe.

17 A. True.

18 MR. MAYNARD: No further questions.

19 THE COURT: Thank you, Mr. Maynard.

20 Ms. Duncan, do you have cross-examination  
21 of Mr. Armijo?

22 MS. DUNCAN: Yes, Your Honor.

23 THE COURT: Ms. Duncan.

24

25

1 CROSS-EXAMINATION

2 BY MS. DUNCAN:

3 Q. Mr. Armijo, you testified on direct  
4 examination that you didn't agree with a lot of  
5 things that Anthony Ray Baca was trying to do at  
6 Southern; correct?

7 A. Yes.

8 Q. The truth is that you wanted to kill  
9 Anthony Ray Baca; correct?

10 A. Only after that he put a hit on me, yes.

11 Q. You spoke with Agent Acee on February 24,  
12 2017; correct?

13 A. Yes.

14 Q. And when you spoke to Mr. Acee, you talked  
15 about this hit; correct?

16 A. Yes.

17 Q. You told him that you never told on Baca  
18 or knew Baca to have snitched on you; correct? But  
19 that you did want to hit Mr. Baca?

20 A. Only after he put a hit on me, yes.

21 Q. So the answer is yes, you did want to hit  
22 Mr. Baca?

23 A. Yes, only after he put a hit on me.

24 Q. And you said that you wanted to put a hit  
25 on him because Mr. Baca was trying to mold the SNM

1 after some out-of-state gangs; correct?

2 A. What was that? Can you repeat that?

3 Q. I can. That you didn't care for Mr. Baca  
4 because he tried to mold the SNM after some  
5 out-of-state prison gangs.

6 A. I didn't care for his ideas, no.

7 Q. Now, when you were talking to Mr. Jewkes,  
8 you denied being convicted in 2007 of attempted  
9 battery on a peace officer; correct?

10 A. Correct.

11 Q. I'd like to show you --

12 MS. DUNCAN: May I have a moment, Your  
13 Honor?

14 THE COURT: Certainly.

15 BY MS. DUNCAN:

16 Q. For the record, I'm looking at Bates stamp  
17 Baca 3926.

18 MS. DUNCAN: May I approach, Your Honor?

19 THE COURT: You may.

20 BY MS. DUNCAN:

21 Q. If you could look at this document and  
22 tell me if you recognize it.

23 A. I might have. I don't remember all my  
24 charges. I don't remember all the paperwork and my  
25 history.

1 Q. Are you known as Manuel Jacob Armijo?

2 A. Yes.

3 Q. Are you also known as Jacob Armijo?

4 A. Yes.

5 Q. Jake Armijo?

6 A. Yes.

7 Q. Vincent Ray Lucero?

8 A. No.

9 Q. Raymond Lucero?

10 A. No.

11 Q. Big Jake?

12 A. Yes.

13 Q. And you testified you were 6'3"?

14 A. Yes.

15 Q. Is your birthdate in 1973?

16 A. Yes.

17 Q. I'd like to show you another document, but  
18 I don't want to say your birth date on the record.

19 Is this your birthdate?

20 A. No.

21 Q. What's wrong with it?

22 A. My birthday is 2/9/73.

23 Q. You testified on direct about benefits  
24 that you received. I'd like to talk to you a little  
25 bit about those. You were charged with

1 participating in a racketeering conspiracy on April  
2 21, 2016; correct?

3 A. Yes.

4 Q. And after your arrest, you asked the Court  
5 to release you pending trial; correct?

6 A. Yes.

7 Q. And the Court denied your request.

8 A. Yes.

9 Q. At the time, you were facing a maximum  
10 sentence of 20 years?

11 A. Yes.

12 Q. At the time of your arrest, your home was  
13 searched; correct?

14 A. Yes.

15 Q. And a firearm was found in your home.

16 A. Yes.

17 Q. You're a felon.

18 A. Yes.

19 Q. And it's illegal for a felon to possess a  
20 firearm; correct?

21 A. I did not possess a firearm.

22 Q. Okay. I'll move on. The fact that the  
23 firearm was discovered in your home was brought up  
24 during the detention hearing; correct?

25 A. I don't remember.

1 Q. And you have previously been convicted for  
2 escape; correct?

3 A. Yes.

4 Q. You escaped while you were being  
5 transported from the jail to court?

6 A. Yes.

7 Q. Ran away from a correctional officer?

8 A. Yes.

9 Q. And at the time that the Court was  
10 considering whether to release you, you'd already  
11 been convicted in 1991 of an aggravated assault;  
12 correct?

13 A. Yes.

14 Q. And in 1994, of a commercial burglary?

15 A. Yes.

16 Q. 1998, possession of methamphetamine?

17 A. Yes.

18 Q. 2001, distribution of a controlled  
19 substance, methamphetamine?

20 A. Yes.

21 Q. And you'd been sentenced to imprisonment  
22 and probation for that offense; correct?

23 A. Yes.

24 Q. And while on probation, you violated the  
25 terms of your probation; correct?

1 A. Yes.

2 Q. Because you used methamphetamine, and  
3 you're not allowed to do that; correct?

4 A. When was this?

5 Q. This was in -- after your 2001 conviction  
6 for distribution of a controlled substance.

7 A. If that's what it says.

8 Q. And you had also been convicted in 2005 of  
9 a DWI?

10 MR. CASTELLANO: Objection, Your Honor.

11 A. No.

12 THE COURT: Hold on. Hold on.

13 MR. CASTELLANO: It's improper  
14 impeachment, Your Honor. Impeachment is about  
15 felonies or crimes of dishonesty.

16 MS. DUNCAN: Your Honor, I'm not trying to  
17 impeach him with his prior convictions. I'm trying  
18 to show the benefit the Government gave him by  
19 assisting in his release pending trial, despite all  
20 of these charges.

21 THE COURT: Why don't you ask the  
22 question, and let me see what the answer is.

23 BY MS. DUNCAN:

24 Q. So at the time that the Court was  
25 considering releasing you in this case, by then, you



1 had been convicted in 2005 of a DWI?

2 A. No.

3 THE COURT: He's never been convicted.

4 It's not a felony, is it?

5 MS. DUNCAN: No. But I'm not using it to  
6 impeach his character, Your Honor. I'm showing why  
7 he was detained pending trial. And one of the  
8 reasons is because he has this long criminal history  
9 of both felonies and misdemeanors.

10 THE COURT: Stick to the felonies.

11 MS. DUNCAN: Okay.

12 BY MS. DUNCAN:

13 Q. In 2006, you were convicted of possession  
14 of methamphetamine; correct?

15 A. Yes.

16 Q. In 2007, receiving or transferring a  
17 stolen vehicle?

18 A. Yes.

19 Q. We've already talked about the attempted  
20 battery.

21 So you were detained pending trial in this  
22 case; correct?

23 A. Yes.

24 Q. And your counsel filed a motion to  
25 reconsider that decision.

1 A. Yes.

2 Q. Where you were asking to be released  
3 pending trial.

4 A. Yes.

5 Q. And you had a hearing that was scheduled  
6 in June of 2016; correct?

7 A. Yes.

8 Q. And you began cooperating with the  
9 Government on June 28, 2016; correct?

10 A. Yes.

11 Q. And then the following day, you had your  
12 hearing on the request to be released; correct?

13 A. I don't know. I don't know if I recall.

14 Q. Let's see. You were ultimately released  
15 pending trial; correct?

16 A. Yes.

17 Q. And the Government withdrew its opposition  
18 to your release after you began cooperating.

19 A. Yes.

20 Q. When you were released in June of 2016,  
21 you signed an order setting conditions of release;  
22 correct?

23 A. Yes.

24 Q. And when you signed that order, you were  
25 promising to follow all of the conditions of your

1 release.

2 A. Yes.

3 Q. And that was a promise that you made to  
4 the Court.

5 A. Yes.

6 Q. And you broke that promise.

7 A. Yes.

8 Q. And you broke that promise by using heroin  
9 on at least three occasions.

10 A. Yes.

11 Q. And that was in November of last year.

12 A. Yes.

13 Q. You pled guilty in March of last year;  
14 correct?

15 A. Yes.

16 Q. And at the time you pled guilty, you pled  
17 to an offense that carries a maximum penalty of 20  
18 years; correct?

19 A. Yes.

20 Q. And your plea agreement includes what is  
21 known as a 5K addendum; correct?

22 A. I have no idea.

23 Q. Do you remember having an addendum to your  
24 plea agreement where you agreed to cooperate with  
25 the Government?

1 A. Yes.

2 Q. And you agreed to cooperate in the hopes  
3 that the Government would move for a lesser sentence  
4 for you?

5 A. Yes.

6 Q. And you understand that it's up to this  
7 table to file that motion to get you that lesser  
8 sentence; correct?

9 A. Yes.

10 Q. You understand that in Federal Court there  
11 are things called sentencing guidelines; correct?

12 A. Yes.

13 Q. And they look at the offense to which you  
14 pled guilty and also to your criminal history;  
15 correct?

16 A. Yes.

17 Q. And the sentencing guidelines in your case  
18 recommend a sentence of life imprisonment; correct?

19 A. I have no idea. I have not reviewed that  
20 with my lawyer.

21 Q. You have or have not reviewed that with --

22 A. Have not.

23 Q. Nonetheless, you're expecting a sentence  
24 of less than 20 years, correct, for testifying?

25 A. Yes.

1 MS. DUNCAN: If I could have a moment,  
2 Your Honor?

3 THE COURT: You may.

4 BY MS. DUNCAN:

5 Q. Mr. Jewkes asked you about an incident  
6 where you were at a party with Angel Munoz and lured  
7 another man outside; correct?

8 A. Yes, lured him to the back of the house,  
9 yes.

10 Q. How did you lure him?

11 A. Told him, let me talk to him.

12 Q. Did you have to convince him to come out  
13 with you?

14 A. No, not really. He was drunk.

15 Q. And then when you got outside, what did  
16 you do?

17 A. Well, we were already outside.

18 Q. So you lured him to the back of the house?

19 A. Yes.

20 Q. Away from other people?

21 A. Yes.

22 Q. What did you do when you got to the back  
23 of the house?

24 A. I stabbed him three or four times.

25 Q. Show me how you stabbed him.

1 A. Just straight.

2 Q. Three or four times? And did he fall to  
3 the ground?

4 A. Yes.

5 Q. And what did you do after he fell to the  
6 ground?

7 A. Turned away and walked off.

8 Q. Did you remain at the party, or did you  
9 flee?

10 A. We left.

11 MS. DUNCAN: I have no further questions.

12 THE COURT: Thank you, Ms. Duncan.

13 Mr. Castellano, do you have redirect of  
14 Mr. Armijo?

15 MR. CASTELLANO: Yes, Your Honor.

16 THE COURT: Mr. Castellano.

17 MR. CASTELLANO: May I approach the  
18 witness, Your Honor?

19 THE COURT: You may.

20 REDIRECT EXAMINATION

21 BY MR. CASTELLANO:

22 Q. I'll hand you what has been marked as 695,  
23 and ask if you recognize it.

24 A. Yes.

25 Q. I'm going to have you look at the back

1 side as well.

2 A. Okay.

3 Q. Sir, does that document have your  
4 signature on it anywhere?

5 A. Yes.

6 Q. Without telling us all the contents of the  
7 document, is it the addendum to your plea agreement  
8 which covers your cooperation in this case?

9 A. Yes.

10 MR. CASTELLANO: Your Honor, I'd move the  
11 admission of Government's Exhibit 695.

12 THE COURT: Any objection, Mr. Jewkes?

13 MR. JEWKES: Let me look at it real quick,  
14 Your Honor.

15 MR. CASTELLANO: I'm showing the document  
16 to Counsel. It's Exhibit 695. I'm moving its  
17 admission at this time.

18 THE COURT: Any objection?

19 MS. DUNCAN: No, Your Honor.

20 MR. VILLA: No objection.

21 MR. JEWKES: No objection.

22 MS. BHALLA: No objection.

23 THE COURT: Government's Exhibit 695 will  
24 be admitted in evidence.

25 (Government Exhibit 695 admitted.)

1 BY MR. CASTELLANO:

2 Q. Sir, we're going to take a look at your  
3 addendum. Is this an addendum to the plea agreement  
4 you entered with the United States?

5 A. Yes.

6 Q. Okay. Now, what was your understanding  
7 about cooperating in this case? In other words, do  
8 you see paragraph 2 that says you agree to cooperate  
9 by giving truthful and complete information and  
10 testimony concerning your participation and  
11 knowledge of criminal activities?

12 A. Yes.

13 Q. Is that why you're here today, sir?

14 A. Yes.

15 Q. Do you understand that it creates problems  
16 for you if you falsely implicate an innocent person  
17 in the commission of a crime or exaggerate someone's  
18 involvement?

19 A. Yes.

20 Q. You also understand it creates problem for  
21 you if you falsely minimize someone else's  
22 involvement?

23 A. Yes.

24 Q. And did you agree to testify as a witness  
25 in either federal or state or grand jury



1 proceedings?

2 A. Yes.

3 Q. If I can see the back side of that  
4 document, please.

5 Take a look at paragraph 6, Mr. Armijo.  
6 Do you see where it says, "Upon completion of your  
7 cooperation, the United States may move, pursuant to  
8 5K1 and 18 United States Code, Section 3553(e), to  
9 have the Court depart downward from the guideline  
10 range or statutory minimum sentence."

11 A. Yes.

12 Q. So if the United States moves on your  
13 behalf before sentencing, who makes the final  
14 determination about your sentence?

15 A. The Court, the Judge.

16 Q. So is it your understanding that the judge  
17 hearing your testimony is the judge who is going to  
18 decide what your ultimate fate in this case is?

19 A. Yes.

20 Q. Now, what are some of the problems for  
21 somebody who lies about their involvement and takes  
22 responsibility for something they didn't do? Can  
23 there be consequences for that?

24 A. Yes.

25 Q. What kind of consequences?

1 A. It could lead to their death.

2 Q. Now, you talked about the COs. In terms  
3 of the SNM and the relationship with the corrections  
4 officers, what might happen if a corrections officer  
5 disrespects an SNM Gang member?

6 A. They could be assaulted.

7 Q. And especially -- what happens if you're  
8 in a group with other SNM Gang members, and the  
9 corrections officer assaults you in their presence?  
10 I'm sorry, not assaults you. Insults you.

11 A. Usually take retaliation. Usually  
12 assaults him on the spot.

13 Q. Now, Mr. Baca's attorney asked you about  
14 wanting to kill Mr. Baca. Do you remember that?

15 A. Yes.

16 Q. Can you tell us about the hit that Mr.  
17 Baca put on you?

18 MS. DUNCAN: Your Honor, I object, and ask  
19 for a basis for his opinion.

20 THE COURT: Why don't you ask how he  
21 knows, without revealing anything that was said to  
22 him?

23 MR. CASTELLANO: All right.

24 BY MR. CASTELLANO:

25 Q. Mr. Armijo, do you remember a certain

1 incident in the prison related to this incident?

2 A. Yes.

3 Q. And how are you aware of the circumstances  
4 of that situation?

5 A. A friend of mine came out of segregation  
6 and was moved into my pod and right away told me  
7 that he --

8 MS. DUNCAN: Your Honor, I object. This  
9 is hearsay.

10 THE COURT: Sustained.

11 MR. CASTELLANO: Your Honor, this does go  
12 to his state of mind and his motivation for wanting  
13 to kill Mr. Baca. The door was opened by the  
14 defendants in this case.

15 THE COURT: Well, I think they get enough  
16 of a picture of what happened. Sustained.

17 BY MR. CASTELLANO:

18 Q. Let me move on to some -- without words --  
19 actions that took place. Without telling us any  
20 words, did you hear any conversation related to you  
21 and this hit?

22 A. Yes.

23 MS. DUNCAN: Your Honor, I object.

24 THE COURT: Well, I won't let him get into  
25 the nature of them. We'll leave it at that.

1 MR. CASTELLANO: I didn't ask for any -- I  
2 didn't ask for the words that were spoken, Your  
3 Honor.

4 BY MR. CASTELLANO:

5 Q. I want to ask you if you overheard a  
6 conversation --

7 THE COURT: I think he said yes. Let's  
8 move on.

9 Q. And related to that, did you see any  
10 weapons produced?

11 A. Yes.

12 Q. And did you -- what did you do with that  
13 weapon?

14 A. I took it.

15 MR. CASTELLANO: Pass the witness, Your  
16 Honor.

17 THE COURT: All right. Thank you, Mr.  
18 Castellano.

19 Do you have anything further?

20 MS. DUNCAN: I do, Your Honor.

21 THE COURT: I wonder if we ought to pick  
22 up the witness in the morning? What do you think?

23 MS. DUNCAN: That's fine with me, Your  
24 Honor.

25 MR. CASTELLANO: Your Honor, we're also

1 going to be calling him next week.

2 THE COURT: All right. Well, let's pick  
3 him up in the morning, and we'll see if there's  
4 going to be any more questions.

5 All right. Ladies and gentlemen, I  
6 appreciate your hard work. See you at 8:30 in the  
7 morning. And I appreciate the way you've gone about  
8 your task. Y'all have a good evening.

9 (The jury left the courtroom.)

10 THE COURT: I passed out and filed this  
11 morning the first batch of jury instructions, and I  
12 will continue to work on those. The handwritten  
13 ones we marked as "first." The typed ones that were  
14 filed later in the day are also styled as "first."  
15 They're the same. I didn't review them in between.  
16 I am proofing those. I may change that so that  
17 every set has its own number. I'll talk to  
18 Ms. Wild, and she'll tell me what to do on that.

19 Y'all have submitted an ostrich defense on  
20 the knowingly instruction. I can see why it might  
21 be relevant, but I'm going to need some input from  
22 everybody. You're going to have to tell me what the  
23 fact is that you're going to contend the defendants  
24 knowingly were ignoring. So give that some thought.  
25 If you don't need that instruction or aren't going

1 to push it, then I'll listen to arguments whether it  
2 should be in or out. But if you're going to advance  
3 it, I need to know what the fact is that you think  
4 that they were deliberately blinded to.

5 MR. CASTELLANO: We will, Your Honor. And  
6 if necessary, we'll just wait to see how the  
7 evidence plays out. I understand the Court's  
8 position.

9 THE COURT: All right. But tell me what  
10 the fact is you're going to contend they were  
11 deliberately blind to.

12 All right. I appreciate your hard work.  
13 Have a good evening.

14 (Court was in recess.)

15 Friday, February 2, 2018

16 THE COURT: All right. Everyone be  
17 seated. Good morning, everyone. I appreciate  
18 everybody being back ready to go and on time. I  
19 appreciate counsel doing it as well. Happy Friday.  
20 Groundhog Day. Does it feel like Groundhog Day yet?

21 I appreciate the way y'all have gone about  
22 your task. You've been a good bunch to work with,  
23 and we'll try to get a good day's worth of work in  
24 today and let you go for the weekend.

25 All right, Mr. Armijo, if you wish to

1 return to the witness box this morning, I'll remind  
2 you that you're still under oath.

3 Ms. Duncan, I think you were  
4 cross-examining, recross of Mr. Armijo.

5 MS. DUNCAN: Thank you, Your Honor.

6 THE COURT: Ms. Duncan.

7 MANUEL JACOB ARMIJO,  
8 after having been previously duly sworn under  
9 oath, was questioned, and continued testifying as  
10 follows:

11 CONTINUED RECROSS-EXAMINATION

12 BY MS. DUNCAN:

13 Q. I just have a very few questions. If I  
14 could see Government's Exhibit 695, please.

15 Mr. Armijo, I'm showing you what was  
16 admitted yesterday as Government's Exhibit 695. I'm  
17 on the second page, and I just wanted to ask you  
18 about this paragraph 6. Yesterday Mr. Castellano  
19 was talking to you about the last sentence, that you  
20 understood that ultimately the decision whether to  
21 depart downward from the 20 years was up to the  
22 judge; correct?

23 A. Yes.

24 Q. But before we get to that point, the  
25 Government has to file its motion to seek a downward

1 departure; correct?

2 A. Yes.

3 Q. And you understand that the decision  
4 whether to file that motion is completely up to the  
5 people at this table?

6 A. Correct.

7 MS. DUNCAN: No more questions, Your  
8 Honor.

9 THE COURT: Thank you, Ms. Duncan.

10 Mr. Castellano, do you have redirect?

11 MR. CASTELLANO: Your Honor, may we  
12 approach?

13 THE COURT: You may.

14 (The following proceedings were held at  
15 the bench.)

16 MR. CASTELLANO: We will be done with the  
17 witness today.

18 THE COURT: Is the defense ready to  
19 proceed with the additional statements we discussed  
20 yesterday or --

21 MS. DUNCAN: No.

22 THE COURT: Do you have any more  
23 questions?

24 MR. CASTELLANO: No, I'll just reserve.

25 MS. DUNCAN: Thank you.



1 (The following proceedings were held in  
2 open court.)

3 THE COURT: All right. Mr. Armijo, you  
4 may step down. You'll be subject to recall, so  
5 you'll need to stay out of the courtroom while the  
6 trial proceedings are ongoing. Thank you for your  
7 testimony.

8 MR. CASTELLANO: May Mr. Armijo leave the  
9 trial for now? I know he's subject to recall, but I  
10 don't think he'll be recalled this week. Is that  
11 okay with everyone?

12 MS. DUNCAN: That's fine, Your Honor.

13 THE COURT: I don't see any problem with  
14 that. You can leave the courthouse, but you will be  
15 subject to recall.

16 Thursday, February 8, 2018

17 THE COURT: All right. Mr. Castellano,  
18 does the Government have its next witness or  
19 evidence?

20 MR. CASTELLANO: Yes, Your Honor. The  
21 United States re-calls Manuel Jacob Armijo.

22 MS. DUNCAN: Your Honor, may we approach  
23 before he starts the questioning?

24 THE COURT: Mr. Armijo, if you'll come up  
25 and stand next to the witness box, I'll remind you

1 you're still under oath.

2 (The following proceedings were held at  
3 the bench.)

4 MS. DUNCAN: Your Honor, I wanted to make  
5 a record on calling Mr. Armijo to testify to the two  
6 James statements, one allegedly made by Chris Garcia  
7 and the other by Jonathan Gomez. We objected before  
8 that these statements do not fall within the  
9 co-conspirator objection. I just wanted to raise --  
10 I know you're inclined to overrule.

11 THE COURT: Did I rule on the chart on  
12 these?

13 MS. DUNCAN: No. This is the one where  
14 the Government sent us a letter on January 28  
15 outlining these statements. We objected to the late  
16 disclosure. And the Court ordered them not to ask  
17 Mr. Armijo about the questions or about those two  
18 topics when he testified last week, and indicated  
19 they were bringing him back.

20 MR. CASTELLANO: He said he would be  
21 willing to give the defense more time, so we  
22 recalled him now. Just give the defense a change.

23 THE COURT: Let me just refresh my memory  
24 about the statements. But I do recall a  
25 conversation here. Is it in the letter?

1 MS. DUNCAN: It is. It's in the James  
2 letter. I think it was towards the back, like at  
3 the very end of the letter.

4 MR. LOWRY: I'll get my letter.

5 MS. DUNCAN: Okay. It should be dated  
6 January 28.

7 THE COURT: That was the 28th, and this is  
8 the one with the co-conspirator statements.

9 MS. DUNCAN: See if I have it.

10 MR. CASTELLANO: I can summarize the  
11 issue, if it's easier. The first one is: Mr.  
12 Armijo was in the Department of Corrections. He  
13 received word through Jonathan Gomez. I think he  
14 knows him as Baby G. And Baby G told him Pup, Mr.  
15 Baca, wanted Mr. Molina killed. Mr. Armijo asked  
16 for the paperwork. They didn't have it, so he said  
17 that he was not willing to follow through with that.  
18 So the statement is that Mr. Baca told Baby G that  
19 he wanted Mr. Armijo to murder Mr. Molina.

20 The second statement is one about December  
21 2015, around that timeframe. Mr. Armijo goes to  
22 Chris Garcia's house to purchase drugs, and during  
23 that conversation Mr. Garcia tells Mr. Armijo, Pup  
24 has us on a mission, after he asked about Chuco, who  
25 is Mandel Parker. He asked that Mr. Armijo didn't

1 know anything about him. Mr. Armijo said he'd given  
2 him a ride one time before, didn't really know him.  
3 And in the context of that conversation, Mr. Garcia,  
4 Pup, has us on a mission to kill Marcantel.

5 MS. DUNCAN: Your Honor, I just have the  
6 pages of the letter regarding Jake Armijo. It was  
7 January 29. It's at the very bottom and continues  
8 on the next page. That's it.

9 THE COURT: Well, I thought we established  
10 every element with all those people as part of the  
11 separate conspiracy. Unless I'm missing something,  
12 I've ruled on every one of these as part of the  
13 conspiracies. They look like they're in furtherance  
14 of it, but my memory is: The only issue I had was  
15 timing. The letter was on the 28th and so close to  
16 testimony needed more time. Do you have anything  
17 else on that?

18 MS. DUNCAN: That was it. I wanted to  
19 preserve my objection.

20 MR. CASTELLANO: The statements were  
21 disclosed on the 12th. We highlighted it in the  
22 James letters.

23 MS. DUNCAN: Thank you, Your Honor.

24 (The following proceedings were held in  
25 open court.)

1 THE COURT: All right, Mr. Armijo. I  
2 think I told you that you're still under oath.

3 THE WITNESS: Yes.

4 THE COURT: All right.

5 Mr. Castellano, if you wish to conduct  
6 direct examination of Mr. Armijo, you may do so at  
7 this time.

8 MR. CASTELLANO: Thank you, Your Honor.  
9 May I have a few moments to show these exhibits to  
10 defense counsel?

11 THE COURT: You may.

12 MANUEL JACOB ARMIJO,  
13 after having been previously duly sworn under  
14 oath, was questioned, and continued testifying as  
15 follows:

16 REDIRECT EXAMINATION

17 BY MR. CASTELLANO:

18 Q. Good afternoon, Mr. Armijo.

19 A. Good evening.

20 Q. I didn't get a chance to ask you a  
21 question on a few topics last week, so I wanted to  
22 call you back to ask you about two or three  
23 incidents.

24 Okay. Do you recall when you were  
25 previously housed in the Southern New Mexico

1 Correctional Facility when you were still in prison?

2 A. Yes.

3 Q. And about when did you get out of prison?

4 A. 2012, March.

5 Q. And before that time, in possibly 2011,  
6 did you have a conversation with somebody you knew  
7 as Baby G?

8 A. Yes.

9 Q. And do you know Baby G's real name?

10 A. I don't recall his name.

11 Q. So did you just know him as "Baby G"?

12 A. Yes.

13 Q. In which pod were you at the time?

14 A. I was in blue pod.

15 Q. And can you tell the members of the jury  
16 if Javier Molina was living with you in that pod at  
17 that time?

18 A. Yes, he lived across from me.

19 Q. And where was Baby G housed?

20 A. He lived in yellow pod, which is next door  
21 to blue pod.

22 Q. I want to ask you about a conversation you  
23 had with Baby G. Do you remember him calling you to  
24 the door in between the two pods?

25 A. Yes.

1 Q. Can you tell the members of the jury what  
2 Baby G asked you or told you?

3 A. He called me to the door while we were out  
4 on tier time, and on the top tier. I went to the  
5 door and asked him what was going on. He told me  
6 that he got word from the North, from the North  
7 facility, that there was paperwork on Javier Molina,  
8 and that Pup wanted him hit. I told him to show me  
9 the paperwork and send it over.

10 Q. What was the purpose or the importance of  
11 him showing you the paperwork?

12 A. Well, without paperwork, there is a  
13 possibility that people could just hold a grudge, or  
14 personal reasons for them to have someone assaulted.

15 Q. What happened when you asked for the  
16 paperwork?

17 A. He said he didn't have any.

18 Q. What was your response to not having the  
19 paperwork?

20 A. I told him that nobody was going to do  
21 anything to him.

22 Q. And "to him," do you mean Javier Molina?

23 A. Yes.

24 Q. And what was his response?

25 A. He just dropped it and said, "Okay."

1 Q. Now, what was your position in the board  
2 of directors at the time?

3 A. I was a llavero.

4 Q. So were you running blue pod at that time?

5 A. Yes.

6 Q. And did you give any orders to anyone in  
7 the pod after hearing the request for the murder but  
8 not having the paperwork?

9 A. Yes.

10 Q. What was the order you gave to people in  
11 the pod?

12 A. That nobody was to touch him.

13 Q. Now, as llavero of that pod, what would  
14 have happened, had Baby G produced that paperwork to  
15 you?

16 A. Then we would have had to hit him.

17 Q. Did you like Javier Molina?

18 A. Yes.

19 Q. Did it matter if you liked Javier Molina?

20 A. No.

21 Q. So running the pod -- was that your  
22 responsibility, then, to make sure that happened?

23 A. Yes.

24 Q. I want to take you back to the December  
25 2015 timeframe and ask you if you know a person



1 named Chris Garcia.

2 A. Yes.

3 Q. Was he an SNM Gang member?

4 A. Yes.

5 Q. Was he also a drug dealer?

6 A. Yes.

7 Q. During that timeframe, did you ever go to  
8 Chris Garcia's house to purchase drugs from him?

9 A. Yes, to his mother's.

10 Q. What were you intending to purchase from  
11 him?

12 A. Heroin.

13 Q. So were you still using heroin at that  
14 time?

15 A. Off and on.

16 Q. All right. And what happened when you  
17 went to Chris Garcia's mother's?

18 A. The first time I followed Mario Montoya  
19 over there to his house, and Chris Garcia ended up  
20 giving him some heroin, and me, and another guy that  
21 was there.

22 Q. Who was the other guy?

23 A. Salamon Ramirez.

24 Q. How is it that you ended up meeting with  
25 Mario Montoya and then going to Chris Garcia's

1 mother's house?

2 A. I usually get it from Mario Montoya, and  
3 Mario said he didn't have anything, but he was on  
4 his way to Chris' to go pick up; to follow him over  
5 there.

6 Q. Did you do that?

7 A. Yes.

8 Q. What happened when you got to Chris  
9 Garcia's, or his mother's?

10 A. We all talked for a while. And then Chris  
11 ended up giving Mario Montoya a gun. Mario Montoya  
12 put it under his shirt, and went and put it in the  
13 trunk of his car. Came back. Chris Garcia ended up  
14 giving him some heroin; gave some to Salamon  
15 Ramirez. Then they left. And they came up to me,  
16 and he continued to break me off a piece.

17 Q. When you say "break me off a piece," what  
18 do you mean?

19 A. He just had a knife and he had like about  
20 a golf-ball size of heroin. With his knife, just  
21 cut me off a piece.

22 MR. CASTELLANO: May I approach the  
23 witness, Your Honor?

24 THE COURT: You may.

25

1 BY MR. CASTELLANO:

2 Q. Mr. Armijo, I'm going to show you a number  
3 of exhibits and have you just look at them to  
4 yourself and see if you recognize the person in  
5 those exhibits.

6 A. Yes.

7 Q. How do you recognize those exhibits?

8 A. That's Chris Garcia.

9 Q. And are these photos a fair and accurate  
10 depiction of the person you know to be Chris Garcia?

11 A. Yes.

12 MR. CASTELLANO: Your Honor, I move the  
13 admission of these exhibits. I'll give the Court  
14 the numbers. They're not sequential at this time.  
15 Government's Exhibits 527, 508, 510, 511, 512, 513,  
16 515, 523, 518, 524 and 525.

17 THE COURT: Any objection from the  
18 defendants?

19 MR. JEWKES: May we examine, Your Honor?

20 THE COURT: You may.

21 MS. JEWKES: No objection on behalf of  
22 Daniel Sanchez, Your Honor.

23 THE COURT: Anyone else have any  
24 objection?

25 MS. DUNCAN: No, Your Honor.

1 MR. VILLA: No, Your Honor.

2 THE COURT: You might listen carefully.

3 There was a cough. I want to make sure I got it  
4 right. Government's Exhibits 527, 508, 510, 512,  
5 513, 515, 523, 518, 524 and 525 will be admitted  
6 into evidence. Did I get those correct?

7 MR. CASTELLANO: You did, Your Honor.

8 Thank you.

9 (Government Exhibits 527, 508, 510, 512,  
10 513, 515, 523, 518, 524 and 525 admitted.)

11 THE COURT: Mr. Castellano.

12 BY MR. CASTELLANO:

13 Q. Now, on that occasion you mentioned Chris  
14 Garcia giving a gun to Mario Montoya?

15 A. Yes.

16 Q. Did he also give drugs to Mario Montoya  
17 and Salamon Ramirez?

18 A. Yes.

19 Q. Can you tell the members of the jury  
20 whether all four of you at that time were SNM Gang  
21 members?

22 A. Yes.

23 Q. I'm showing you Government's Exhibit 527.  
24 Is that Chris Garcia?

25 A. Yes.

1 Q. And is that the person you purchased drugs  
2 from?

3 A. Yes.

4 Q. I'm showing you Government's Exhibit 508.  
5 Do you recognize Mr. Garcia and some of his tattoos?

6 A. Yes.

7 Q. Government's Exhibit 510. I'm going to  
8 circle something on his left side in that photo. Do  
9 you recognize what I've circled there?

10 A. Yes.

11 Q. What is that?

12 A. It's a Zia with an S inside.

13 Q. What does that tattoo mean to you?

14 A. It represents the Sindicato de Nuevo  
15 Mexico.

16 Q. Showing you Government's Exhibit 511.

17 A. Yes.

18 Q. And do you recognize Chris Garcia from the  
19 back there?

20 A. Yes.

21 Q. Also Exhibit 512?

22 A. Yes.

23 Q. The tattoo on his right shoulder, which  
24 says Duke City -- is that an Albuquerque thing, or  
25 does it have anything to do with the SNM?

1 A. Just an Albuquerque thing.

2 Q. Do you know Albuquerque as the Duke City?

3 A. Yes.

4 Q. I'm showing you Exhibit 513, and is that  
5 just a side view of Mr. Garcia?

6 A. Yes.

7 Q. Government's Exhibit 515. I'm going to  
8 circle something on his abdomen here. Do you see  
9 what I've circled there?

10 A. Yes.

11 Q. What is that, if you know?

12 A. Where he got shot.

13 Q. And I won't ask you about it today, but do  
14 you know some of the history about how he got shot?

15 A. Yes.

16 Q. I'm showing you Government's Exhibit 523.  
17 Is that just a closer view of that scar?

18 A. Yes.

19 Q. Next is Exhibit 518. What do you see on  
20 his hands there?

21 A. NM.

22 Q. And what significance does that have to  
23 you?

24 A. Just New Mexico.

25 Q. And Exhibit 524. What is that on his

1 lower back?

2 A. Burque.

3 Q. What does that mean?

4 A. Albuquerque in Spanish.

5 Q. And 525. Is that just a picture of his  
6 entire back?

7 A. Yes.

8 Q. Now, you told you about this time you got  
9 drugs from Mr. Garcia. Did you return to his house  
10 about a week later?

11 A. Yes.

12 Q. Why did you do that?

13 A. I called him earlier that day and asked  
14 him if he had anything, some heroin, and he told me,  
15 yeah, but to meet him at his mom's house.

16 Q. Did you meet him on that day?

17 A. Yes.

18 Q. What happened when you went to his mom's  
19 house?

20 A. I met him there at his mom's. He got into  
21 my vehicle. We just started talking. While he was  
22 breaking me off some heroin, he asked me if I knew  
23 Chuco, Mandel Parker. I told him, yes, that I had  
24 met him once, had given his girlfriend and his  
25 little girl a ride home. I asked him why, what was

1 up. And he said, "Because fucking Pup has us on a  
2 mission."

3 Q. Did he explain to you what that mission  
4 was?

5 A. Yes.

6 Q. What was it?

7 A. That they wanted him to hit Gregg  
8 Marcantel.

9 Q. Did you know who Gregg Marcantel was at  
10 that time?

11 A. No.

12 Q. And had you been to prison since 2012?

13 A. No.

14 Q. Did he explain to you who Gregg Marcantel  
15 was?

16 A. Yes. He was the Secretary of Corrections.

17 Q. What did you think about that?

18 A. I told Chris that he was stupid to listen  
19 to anything that Pup had to say; that he was going  
20 to be the downfall of everybody.

21 Q. And did you know Mandel Parker to be an  
22 SNM Gang member?

23 A. Yes.

24 MR. CASTELLANO: May I have a moment, Your  
25 Honor?



1 THE COURT: You may.

2 MR. CASTELLANO: Thank you, Your Honor. I  
3 pass the witness.

4 THE COURT: Thank you, Mr. Castellano.

5 Ms. Duncan, do you wish to cross-examine  
6 Mr. Armijo?

7 MS. DUNCAN: I do, Your Honor. Thank you.

8 THE COURT: Ms. Duncan.

9 RECROSS-EXAMINATION

10 BY MS. DUNCAN:

11 Q. Good afternoon.

12 A. Good afternoon.

13 Q. You first met Chris Garcia in prison in  
14 the 2000s; correct?

15 A. Yes.

16 Q. And I think you testified he's an SNM  
17 member?

18 A. Yes.

19 Q. And you didn't agree with him being made  
20 an SNM member; correct?

21 A. No.

22 Q. Because you thought he was a snitch?

23 A. No, I actually thought they were just  
24 bringing him in because he had drugs.

25 Q. Do you recall giving a statement to law

1 enforcement on June 28, 2016?

2 A. Yes.

3 Q. And that was right after you decided to  
4 cooperate in this case; correct?

5 A. Yes.

6 Q. And do you recall telling law enforcement  
7 at that time that you didn't agree with Chris Garcia  
8 being brought into the SNM, quote, "because he had  
9 snitched on a prior case while on the streets"?

10 A. Yes, that was another reason.

11 Q. You testified that you bought heroin from  
12 Chris Garcia; correct?

13 A. Yes.

14 Q. And did you do heroin with Chris Garcia?

15 A. There's been a couple of times, yes.

16 Q. And when is the last time that you did  
17 heroin with Chris Garcia?

18 A. I can't recall.

19 Q. Was it within the last year?

20 A. No.

21 Q. Within the last two years?

22 A. It was about a couple months before this  
23 case, before the first sweep.

24 Q. And do you recall when that first sweep  
25 was?

1 A. It was in December 2015, I think.

2 Q. Mr. Armijo, you also have used  
3 methamphetamine in the past; correct?

4 A. Yes.

5 Q. And you bought the methamphetamine from  
6 someone other than Chris Garcia?

7 A. Yes.

8 Q. And when you were using -- when were you  
9 using methamphetamine?

10 A. 2012, when I first got out of prison.

11 Q. And you suffered hallucinations when using  
12 methamphetamine; correct?

13 A. No.

14 Q. Do you recall being interviewed for a  
15 presentence report in this case?

16 A. No.

17 Q. Do you recall reviewing a presentence  
18 report that was provided to you for this case?

19 A. I don't think me and my lawyers reviewed  
20 it.

21 Q. It was disclosed in October of 2017;  
22 correct?

23 A. What?

24 Q. The presentence report was disclosed to  
25 your lawyer in October of 2017; correct?

1 A. Oh, yes, yes.

2 Q. And so it's your testimony that in the  
3 last four months, you have not reviewed this  
4 document?

5 A. I don't think we have.

6 Q. You understand this is a document that  
7 Judge Browning will rely on in deciding your  
8 sentence in this case?

9 A. I assume so, yes.

10 Q. Do you recall being interviewed by the  
11 Evolution Group?

12 A. Yes.

13 Q. And that was in July of 2016?

14 A. Yes.

15 Q. And they completed a biosocial summary  
16 report for you?

17 A. Right.

18 Q. Based on that interview?

19 A. Yes.

20 Q. And do you recall them concluding or  
21 acknowledging that you had hallucinations when using  
22 methamphetamine?

23 A. They said I had hallucinations.

24 Q. I'm asking you: Do you recall them  
25 telling you that, based on their interview of you?

1           A.     How would they know if I'd had  
2 hallucinations or not?

3           Q.     I'm asking if you discussed that with  
4 Evolution Group.

5           A.     No.

6           Q.     Do you recall discussing with Evolution  
7 Group that you have trouble understanding,  
8 concentrating, and remembering?

9           A.     Concentrating, yes.

10          Q.     Do you recall discussing with Evolution  
11 Group that you have trouble controlling your violent  
12 behavior?

13          A.     Yes. At a time, yes.

14          Q.     And are you on any psychiatric medication?

15          A.     Yes.

16          Q.     What drugs are you on?

17          A.     Abilify.

18          Q.     And what is that intended to treat?

19          A.     Anger, PTSD.

20          Q.     And it's an antipsychotic drug; correct?

21          A.     Yes.

22          Q.     You testified that you went to Chris  
23 Garcia's house with Mario Montoya; correct?

24          A.     Yes.

25          Q.     And Mario Montoya is also known as Poo

1 Poo?

2 A. Yes.

3 Q. Mr. Montoya got close to Chris Garcia  
4 because you and Mr. Montoya planned to rob Chris  
5 Garcia; correct?

6 A. Yes.

7 Q. You planned to steal two kilos of cocaine  
8 from him?

9 A. Yes.

10 Q. Tell us about that plan.

11 A. It was a plan that we were going to do,  
12 and it never happened.

13 Q. Whose plan was it?

14 A. Mine.

15 Q. And when did you come up with this plan?

16 A. I would say in the early 2000s.

17 Q. In April of 2016 you were charged with a  
18 RICO conspiracy; correct?

19 A. Yes.

20 Q. And there were a number of overt acts  
21 charged in support of that; correct?

22 A. Yes.

23 Q. And those were things that the Government  
24 alleged you did in support of the SNM; correct?

25 A. Yes.

1 Q. And one of those was ordering two people  
2 to murder a man named Michael Giron; correct?

3 A. It was alleged, yes.

4 Q. And it was alleged that you ordered that  
5 in conjunction with Chris Garcia; correct?

6 A. Yes.

7 Q. And at this time that you told the FBI,  
8 you first raised this conversation with Chris  
9 Garcia, you had been charged in that conspiracy;  
10 correct?

11 A. The conversation never happened.

12 Q. The conversation that you had with the --  
13 the first time you talked to the FBI about this  
14 alleged conversation with Chris Garcia regarding  
15 Gregg Marcantel; correct?

16 A. Yes.

17 Q. That first happened in June of 2016;  
18 correct? Your first conversation with the FBI?

19 A. Yes.

20 Q. So that was two months after you had been  
21 charged in the RICO conspiracy?

22 A. Yes.

23 Q. And the Government was alleging that you  
24 had committed a crime with Chris Garcia?

25 A. Yes.

1 Q. And you knew from that indictment that Mr.  
2 Baca and Chris Garcia were charged with a conspiracy  
3 to kill Gregg Marcantel; correct?

4 A. I knew when I first read it on the  
5 internet, yes.

6 Q. I'd like to talk to you about this alleged  
7 conversation you had with Baby G. I think you  
8 testified that you didn't know his real name;  
9 correct?

10 A. Yes.

11 Q. How long had you known Baby G?

12 A. For about a year and a half.

13 Q. And you did not like Baby G, did you?

14 A. There was a time I did, up until Pup got  
15 there to Southern.

16 Q. At the time that you alleged Baby G had  
17 had conversation with you, you did not like Baby G;  
18 correct?

19 A. I didn't have a problem with him at the  
20 time we had the conversation, no.

21 Q. Isn't it true that you believe that Baby G  
22 conveyed the hit on you?

23 A. Yes.

24 Q. And that when you heard about this, you  
25 collected a shank and told Baby G, "It's on"?



1 A. Yes.

2 Q. Last week when we were talking, we  
3 discussed a conviction for battery on a police  
4 officer in 2008; correct?

5 A. Yes.

6 Q. And you couldn't recall if you had been  
7 convicted of that crime?

8 A. Right.

9 Q. Do you recall today that you were  
10 convicted of that crime?

11 A. Yes.

12 Q. And at the time that this case was  
13 charged, you believed that Gerald Archuleta was the  
14 leader of the SNM; correct?

15 A. Yes.

16 Q. For what period of time do you believe  
17 that Gerald Archuleta was the leader of the SNM?

18 A. Up until he decided to work with the FBI.

19 Q. And what do you base your opinion that  
20 Gerald Archuleta was the leader of the SNM on?

21 A. My opinion.

22 Q. What's your opinion based on?

23 A. That he is a leader of the SNM -- was.

24 Q. Do you have a relationship with Gerald  
25 Archuleta?

1 A. Yes.

2 Q. In fact, you've provided drugs to Gerald  
3 Archuleta at his request?

4 A. No.

5 Q. I'm going to refer you again to the  
6 conversation that you had with the FBI in June of  
7 2016. Do you recall talking to the FBI about  
8 keeping in touch with Gerald Archuleta after he  
9 moved to Tennessee?

10 A. Yes.

11 Q. And you told the FBI that Gerald Archuleta  
12 would ask you for Suboxone because it was expensive  
13 in Tennessee; correct?

14 A. Yes.

15 Q. And that you complied a few times;  
16 correct?

17 A. Yes.

18 Q. And by complying, you meant that you sent  
19 drugs to Gerald Archuleta to Tennessee?

20 A. No. I sent Suboxones. Suboxones ain't a  
21 drug. Suboxones are to help people get off the  
22 drug.

23 Q. Suboxone is something you need a  
24 prescription for; correct?

25 A. Yes.

1 Q. It's a drug used to treat heroin  
2 addiction; correct?

3 A. Yes.

4 Q. And you sent that to Gerald Archuleta?

5 A. Yes.

6 MS. DUNCAN: If I could have a moment,  
7 Your Honor.

8 No further questions, Your Honor.

9 THE COURT: Thank you, Ms. Duncan.

10 Mr. Jewkes, do you have cross-examination  
11 of Mr. Armijo?

12 MR. JEWKES: Yes, Your Honor.

13 THE COURT: Mr. Jewkes.

14 MR. JEWKES: Your Honor, may it please the  
15 Court?

16 THE COURT: Mr. Jewkes.

17 RECROSS-EXAMINATION

18 BY MR. JEWKES:

19 Q. Good afternoon, Mr. Armijo.

20 A. Good afternoon.

21 Q. You were here last week and testified, I  
22 believe it was on Wednesday?

23 A. Yes.

24 Q. And if I recall correctly, you told us  
25 that you joined the SNM in 1995?

1 A. '93.

2 Q. And you were validated?

3 A. Yes.

4 Q. And how long were you a validated member  
5 of SNM?

6 A. I have no idea. You'd have to ask the  
7 STIU.

8 Q. I'm sorry?

9 A. You would have to ask the STIU how long  
10 they had me validated.

11 Q. When did you leave prison?

12 A. 2012.

13 Q. Okay. Do you still consider yourself a  
14 member of SNM?

15 A. No.

16 Q. Well, in that case, we're looking at close  
17 to 20 years --

18 A. Yes.

19 Q. -- with SNM, give or take; would you agree  
20 with that?

21 A. Yes.

22 Q. You testified a while ago that you knew  
23 Javier Molina?

24 A. Yes.

25 Q. How much time did you serve with him?

1 A. About a year and a half or so.

2 Q. Where?

3 A. Las Cruces, New Mexico, Southern.

4 Q. And you liked him?

5 A. Yes.

6 Q. Did he have problems with other inmates --

7 A. No.

8 Q. -- that you could see?

9 A. No.

10 Q. No? He was liked by everyone?

11 A. Yes.

12 Q. He wasn't mouthy?

13 A. No.

14 Q. He didn't rag on some of the other  
15 inmates?

16 A. We all kind of did that to each other. It  
17 was nothing to be taken serious. It was just part  
18 of doing time, part of us just clowning with each  
19 other.

20 Q. Are you just saying it's playful behavior?

21 A. Yes.

22 Q. Mr. Armijo, you were Angel Munoz's  
23 bodyguard for a number of years; is that correct?

24 A. Yes.

25 Q. And you held that position because you

1 were considered by the organization to be a heavy  
2 hitter?

3 A. Yes.

4 Q. You know what a heavy hitter is?

5 A. Yes.

6 Q. A heavy hitter is someone who can take  
7 human life. Would you agree with that?

8 A. Yes.

9 Q. And during your career, can we safely  
10 assume you have witnessed -- witnessed, aware of --  
11 a number of hits?

12 A. Yes.

13 Q. And if you were called upon to do so,  
14 could you plan a hit in a prison facility?

15 A. Yes.

16 Q. How would you do it? What factors would  
17 you look at, Mr. Armijo?

18 A. Hum.

19 Q. Hypothetically speaking.

20 A. For one, the reason.

21 Q. In other words, you have to have a reason  
22 to take human life?

23 A. Yes.

24 Q. All right. That's reason Number 1.

25 What's reason Number 2, if there is a reason Number

1 2?

2 A. There is just a reason Number 1.

3 Q. Okay. Let's talk about the factors in  
4 planning. Where do you do it?

5 A. The least obvious place. One place that's  
6 somewhere where you won't get caught.

7 Q. You don't want to get caught?

8 A. Of course not.

9 Q. You don't want to do it in front of  
10 cameras, do you?

11 A. No.

12 Q. And do you do it in kind of an  
13 out-of-the-way place? Would you agree with that?

14 A. Yes.

15 Q. In a prison facility, what would be some  
16 of the more out-of-the-way places, such as, say,  
17 Southern New Mexico?

18 A. There is no place out of the way. There's  
19 about three or four cameras in the unit. There's a  
20 guard in the bubble. There's one that walks. So  
21 usually they have full range of the cameras. The  
22 cameras you can't really hide from.

23 Q. All right. So you and I are planning a  
24 hit. What are we going to use for weapons? What's  
25 the most effective weapon?

1 A. A shank.

2 Q. A shank?

3 A. Yep.

4 Q. You like a shank better than, say, a  
5 ligature?

6 A. Do I?

7 Q. Yes, hypothetically speaking.

8 A. I would prefer, yes.

9 Q. A shank?

10 A. Yes.

11 Q. Why?

12 A. It gets the job done faster.

13 Q. So you're concerned about speed and  
14 effectiveness?

15 A. Yes.

16 Q. And it's faster than using a ligature?

17 A. Yes, but it's also a little dirtier.

18 Q. Sure. Because there's going to be blood?

19 A. Yes.

20 Q. And just for the record, in case anyone on  
21 the jury doesn't know what a ligature is, can you  
22 explain what a ligature is?

23 A. A sheet tied up, braided up.

24 Q. For the purpose of strangulation; right?

25 A. Yes.



1 Q. Okay. Now, we've already decided we're  
2 going to use a shank. Maybe two shanks. And where  
3 are we going to try to catch our target?

4 A. Probably in his room or in the shower.

5 Q. When they go in the shower, it's locked,  
6 isn't it?

7 A. No.

8 Q. You can nail somebody in the shower?

9 A. Yes.

10 Q. Actually, that would be better, because  
11 there's not going to be any cameras inside that  
12 shower. Would you agree with that?

13 A. Yes.

14 Q. So as a professional -- you and I are  
15 professionals. All right? What -- we want to get  
16 it done quickly, cleanly, how many times do we nail  
17 him? How many times do we stab him?

18 A. Once.

19 Q. Once?

20 A. That's all you need.

21 Q. Can we get it done with one?

22 A. Possible.

23 Q. Where do we stab him?

24 A. The neck or in the underarm.

25 Q. In the neck, of course, we're talking

1 about a major artery.

2 A. Yes.

3 Q. Under the arm, we're talking about another  
4 major artery.

5 A. Yes.

6 Q. Either way, it's a fairly quick death.  
7 They bleed out quickly, don't they?

8 A. Yes.

9 Q. So if we're lucky, you and I can get the  
10 job done, one wound, maybe two? Would you agree  
11 with that?

12 A. Yes.

13 MR. CASTELLANO: At this point, I'm going  
14 to object as to beyond the scope of direct, Your  
15 Honor.

16 THE COURT: Overruled.

17 BY MR. JEWKES:

18 Q. Okay. There's going to be two of us doing  
19 this, Mr. Armijo. What part does each one of us  
20 play to get this done effectively and efficiently?

21 A. One to watch and one to do it.

22 Q. Why do we need one to watch?

23 A. To make sure nobody is coming.

24 Q. Lookout?

25 A. Yes.

1 Q. Okay. And the hitter. What does he do?  
2 How does he do it?

3 A. Just attack the person, get it done right  
4 away.

5 Q. From the front or the rear?

6 A. From the rear.

7 Q. Come up behind and get his forearm under  
8 his chin?

9 A. No, not really.

10 Q. No?

11 A. No.

12 Q. Just take him head-on?

13 A. There could be several ways. I don't  
14 know.

15 Q. But nevertheless, if you and I know what  
16 we're doing, we can get it done with at least a  
17 couple of wounds; right?

18 A. Yes.

19 Q. How often in your 27 years in prison have  
20 you seen inmates exhibit rage?

21 A. Plenty.

22 Q. Plenty?

23 A. Yes.

24 Q. A lot of guys are sore about being in  
25 prison; right?

1 A. Yes.

2 Q. You'll have to excuse my voice. I've got  
3 a little issue with something. A virus.

4 A. All right.

5 Q. A lot of people that go to prison are  
6 angry, aren't they?

7 A. Yes.

8 Q. Some of them lose it, I guess, and some of  
9 them don't?

10 A. Yes.

11 Q. Have you ever seen anyone in prison act  
12 under rage?

13 A. Yes.

14 Q. Violent acts?

15 A. Yes.

16 Q. How often have you seen that, sir?

17 A. Quite a few times.

18 MR. JEWKES: I pass the witness.

19 THE COURT: Thank you, Mr. Jewkes.

20 Anyone else? Mr. Maynard?

21 MR. MAYNARD: No questions, Your Honor.

22 THE COURT: All right, Mr. Maynard.

23 Mr. Villa?

24 MR. VILLA: Briefly.

25



1 A. That's what Chris told me.

2 Q. From Mr. Garcia?

3 THE COURT: Sustained.

4 Q. Are you aware about Billy Cordova's role  
5 in the murder of Shane Dix?

6 MR. CASTELLANO: Objection, calls for  
7 hearsay.

8 Q. Through personal knowledge, not from what  
9 somebody told you.

10 THE COURT: Why don't you answer these  
11 questions yes, no, so we can avoid --

12 A. Yes.

13 Q. So you have personal knowledge about Billy  
14 Cordova's role in the murder of Shane Dix?

15 A. Yes.

16 Q. And that comes from what somebody told you  
17 or what you observed personally?

18 A. What somebody told me.

19 Q. So just what you've been told?

20 A. Yes.

21 MR. VILLA: Okay.

22 MR. CASTELLANO: I'm going to object.  
23 This is hearsay, but the witness doesn't understand.

24 THE COURT: Yeah, I don't think he does,  
25 either.

1 MR. CASTELLANO: When we say firsthand  
2 knowledge, this is all hearsay.

3 THE COURT: Why don't you start with  
4 asking if the only place he's got this information  
5 is that somebody told him.

6 BY MR. VILLA:

7 Q. So Mr. Armijo, your knowledge about Billy  
8 Cordova's role in the murder of Shane Dix is only  
9 what people told you?

10 A. Yes.

11 MR. VILLA: That's all the questions I  
12 have.

13 THE COURT: Thank you, Mr. Villa.

14 Mr. Castellano, do you have redirect of  
15 Mr. Armijo.

16 MR. CASTELLANO: No, Your Honor.

17 THE COURT: All right. Mr. Armijo, you  
18 may step down.

19 Is there any reason that Mr. Armijo cannot  
20 be excused from the proceedings, Mr. Castellano?

21 MR. CASTELLANO: No, sir.

22 THE COURT: Can he be excused by the  
23 defendants?

24 MR. JEWKES: Yes, Your Honor.

25 THE COURT: All right. Not hearing

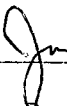
1 anybody objecting, you are excused from the  
2 proceedings. Thank you for your testimony, Mr.  
3 Armijo.

4  
5 UNITED STATES OF AMERICA  
6 STATE OF NEW MEXICO

7  
8 C-E-R-T-I-F-I-C-A-T-E

9 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,  
10 Official Court Reporter for the State of New Mexico,  
11 do hereby certify that the foregoing pages  
12 constitute a true transcript of proceedings had  
13 before the said Court, held in the District of New  
14 Mexico, in the matter therein stated.

15 In testimony whereof, I have hereunto set my  
16 hand on this 17th day of March, 2018.

17  
18   
19 Jennifer Bean, FAPR, RMR-RDR-CCR  
20 Certified Realtime Reporter  
21 United States Court Reporter  
22 NM Certified Court Reporter #94  
23 333 Lomas, Northwest  
24 Albuquerque, New Mexico 87102  
25 Phone: (505) 348-2283  
Fax: (505) 843-9492  
License expires: 12/31/18

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492

**BEAN**  
**& ASSOCIATES, Inc.**  
PROFESSIONAL COURT  
REPORTING SERVICE

MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com